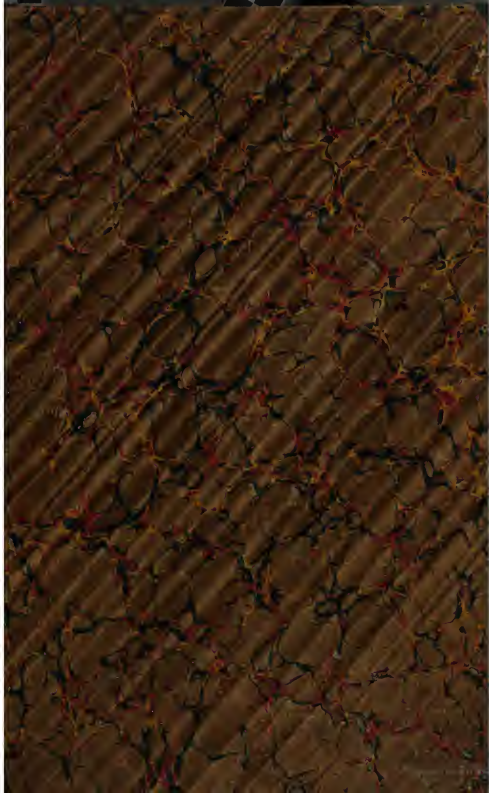




h. 2

7. 1. 76

7. C. 1. 76



*I have passed this
on the part of
Harrison.*

CORRESPONDENCE

RESPECTING

THE ASSAULT

COMMITTED ON

MR. ERSKINE MATHER

AT

FLORENCE.

*Presented to both Houses of Parliament by Command of Her Majesty.
June 4, 1852.*

LONDON:

PRINTED BY HARRISON AND SON.

LIST OF PAPERS.

No.				Page
1.	Mr. Wawn, M.P., to Earl Granville	..	January 7, 1852	1
	Two Inclosures.			
2.	Earl Granville to Mr. Wawn	..	January 8, —	3
3.	Earl Granville to the Hon. P. C. Scarlett	..	January 8, —	3
4.	Earl Granville to the Hon. P. C. Scarlett	..	January 8, —	4
5.	The Hon. P. C. Scarlett to Earl Granville	..	January 9, —	4
	Two Inclosures.			
6.	The Hon. P. C. Scarlett to Earl Granville	..	January 6, —	7
	One Inclosure.			
7.	Earl Granville to the Earl of Westmorland	..	January 13, —	9
8.	Earl Granville to the Hon. P. C. Scarlett	..	January 14, —	10
9.	Earl Granville to the Hon. P. C. Scarlett	..	January 19, —	10
10.	Earl Granville to the Earl of Westmorland	..	January 20, —	11
11.	The Hon. P. C. Scarlett to Earl Granville	..	January 19, —	11
12.	The Earl of Westmorland to Earl Granville	..	January 27, —	11
13.	Mr. Mather to Earl Granville	..	February 4, —	12
	Two Inclosures.			
14.	Earl Granville to the Hon. P. C. Scarlett	..	February 13, —	17
15.	The Hon. P. C. Scarlett to Earl Granville	..	February 7, —	17
	One Inclosure.			
16.	The Earl of Westmorland to Earl Granville	..	February 17, —	19
17.	Mr. Mather to Earl Granville	..	February 15, —	19
18.	The Hon. P. C. Scarlett to Earl Granville	..	February 19, —	20
	Five Inclosures.			
19.	The Hon. P. C. Scarlett to Earl Granville	..	February 21, —	25
20.	The Hon. P. C. Scarlett to Earl Granville	..	February 23, —	25
	One Inclosure.			
21.	The Earl of Westmorland to Earl Granville	..	February 27, —	26
22.	Memorandum of Conversation between the Earl of Malmesbury and Mr. Mather	..	March 6, —	37
23.	Mr. Mather to the Earl of Malmesbury	..	March 6, —	37
24.	Mr. Harris to Mr. Mather	..	March 8, —	37
25.	Mr. Mather to the Earl of Malmesbury	..	March 9, —	38
26.	The Earl of Malmesbury to the Hon. P. C. Scarlett	..	March 9, —	39
27.	Mr. Harris to Mr. Mather	..	March 10, —	39
28.	The Earl of Malmesbury to the Hon. P. C. Scarlett	..	March 12, —	39
	One Inclosure.			
29.	The Earl of Malmesbury to the Earl of Westmorland	..	March 16, —	61
30.	Marshal Radetzky to Prince Schwarzenberg	..	February 13, —	61
31.	Prince Schwarzenberg to Count Buel	..	March 12, —	63
32.	The Earl of Westmorland to the Earl of Malmesbury	..	March 15, —	64
33.	The Earl of Malmesbury to the Earl of Westmorland	..	March 20, —	64
34.	The Earl of Malmesbury to the Earl of Westmorland	..	March 23, —	64
35.	The Earl of Malmesbury to the Hon. P. C. Scarlett	..	March 23, —	63
36.	Mr. Mather to the Earl of Malmesbury	..	March 27, —	65
	One Inclosure.			
37.	The Earl of Westmorland to the Earl of Malmesbury	..	March 30, —	66
38.	The Hon. P. C. Scarlett to the Earl of Malmesbury	..	March 28, —	66
	Two Inclosures.			
39.	The Earl of Malmesbury to the Hon. P. C. Scarlett	..	April 9, —	70
40.	The Earl of Malmesbury to the Hon. P. C. Scarlett	..	April 9, —	71
41.	The Earl of Malmesbury to the Earl of Westmorland	..	April 13, —	71
42.	The Hon. P. C. Scarlett to the Earl of Malmesbury	..	April 7, —	71
43.	The Hon. P. C. Scarlett to the Earl of Malmesbury	..	April 10, —	72
44.	The Earl of Westmorland to the Earl of Malmesbury	..	April 19, —	72
45.	The Earl of Westmorland to the Earl of Malmesbury	..	April 19, —	73
46.	The Hon. P. C. Scarlett to the Earl of Malmesbury	..	April 18, —	74
	One Inclosure.			
47.	The Earl of Malmesbury to Sir H. Bulwer	..	April 26, —	76
48.	The Earl of Malmesbury to the Hon. P. C. Scarlett	..	April 27, —	77

No.				Page
49.	The Earl of Malmesbury to the Hon. P. C. Scarlett	April	27, 1852	27
50.	The Earl of Malmesbury to the Earl of Westmorland	April	28, —	27
51.	The Earl of Malmesbury to the Earl of Westmorland	April	29, —	28
52.	The Hon. P. C. Scarlett to the Earl of Malmesbury	April	23, —	28
53.	Mr. Barron to the Earl of Malmesbury	May	2, —	29
54.	Mr. Barron to the Earl of Malmesbury	May	2, —	29
55.	The Earl of Malmesbury to Sir H. Bulwer	May	21, —	30
56.	The Hon. P. C. Scarlett to the Earl of Malmesbury	May	11, —	31
	Three Inclosures.			
57.	Mr. Barron to the Earl of Malmesbury	May	14, —	34
	Three Inclosures.			
58.	Mr. Addington to Mr. Mather	May	24, —	36
59.	Mr. Mather to the Earl of Malmesbury	May	27, —	37
60.	The Earl of Malmesbury to Sir Henry Bulwer	May	29, —	38
61.	The Earl of Malmesbury to Sir Henry Bulwer	May	29, —	40
62.	The Earl of Malmesbury to Sir Henry Bulwer	May	29, —	41
63.	The Earl of Malmesbury to Mr. Mather	June	1, —	41
64.	Mr. Mather to the Earl of Malmesbury	June	1, —	41
	One Inclosure.			
65.	The Earl of Malmesbury to Mr. Mather	June	2, —	44

Correspondence respecting the Assault committed on
Mr. Erskine Mather at Florence.

No. 1.

Mr. Wawn to Earl Granville.—(Received January 8.)

*West Bolton, near Gateshead,
January 7, 1852.*

My Lord,

I HAVE been requested by Mr. Mather (one of my constituents), whose two sons, one nineteen and the other sixteen years of age, have been travelling for health, &c. It appears at Florence the eldest son, accompanied by his brother, were listening to a regimental band, when the elder was struck from behind by an Austrian officer, with the flat side of his sword, and on his turning round sharply to see by whom and for what he was thus assaulted, he was immediately cut down. In consequence he was immediately conveyed to the hospital, where he now remains in a precarious state. The young man had sufficient self-possession to request his brother to mark well the features of the officer who committed the assault, and has also got the names of other respectable individuals who witnessed the outrage.

I have therefore to ask your Lordship to write to the Consul at Florence, and command him to inquire into this outrage upon a British subject, and to demand such reparation as the case requires, otherwise the property, the liberties, and the lives of British subjects will be endangered, and that liberty here accorded to foreigners will be denied to British subjects in other countries where they are aliens. Hoping your Lordship will direct a strict inquiry into this matter,

I have, &c.
(Signed) JNO. TWIZELL WAWN.

P.S.—I inclose three letters from the youths, one written before the outrage, the two others (the first at the dictation of the elder, and the other without) written afterwards by the younger son. I hope these letters will be preserved, as I have not taken copies. Also a letter to myself from the father.

Inclosure 1 in No. 1.

*Messrs. Erskine and T. Mather to their Father.**

My dear Father,

Florence, December 29, 1851.

I WROTE you yesterday, acknowledging the receipt of your letter of the 18th, and write to-day in consequence of a slight accident which has happened me.

* This letter it appears was written by his brother Tom, at the suffering boy's dictation.

Following a regimental band, and, like many others, between them and the rest of the regiment, I was struck on the back with the flat of a sword, and on turning round and expostulating with the officer who did it, I was struck in the face by another, and immediately afterwards received a cut on the head from the first by his sword, which he carried naked in his hand, and was obliged to be brought here to the hospital to have the cut dressed; not a blow passed from me. The cut is fortunately not dangerous in the slightest, so do not be uneasy at all about me, as it is only the flesh that is cut, the bone being merely grazed.

The English Consul has been applied to, and Mr. Charles Lever, and a friend who called upon me, offering their services.

I hope the affair will be shortly settled. You may expect a letter in a few days with all particulars.

Your affectionate Son,
(Signed) E. MATHER.

From his Brother.

DO not make yourself the least uneasy, as the doctor says there is nothing serious.

Erskine was wearing one of those Italian hats, about half an inch thick, which warded off the blow to a great extent.

He bore the blow bravely, and with the greatest *sang froid* imaginable, saying to me when he received it, "Tom, follow him, and look at him, so as you may know him again," which I did; after which we went to the hospital to get the cut dressed, where he told me to go to the English Consul; where I went, relating to the Consul the particulars. He asked me your name, which I gave. He said it was a serious thing to insult an officer on duty, but I having fortunately a couple of witnesses (an Italian and a Frenchman) who saw the cowardly act, explained to him that Erskine did not insult the officer. Well, then, the Consul said he would leave it in the hands of Prince Liechtenstein, giving me a letter to the Prince, and telling me to take it to him, saying that he was a feeling and good person, or something to that effect. Well, away I went to the Prince, and explained it to him. He said (he spoke in English): "It seems your brother held up his arm (showing me how, as if to ward off a blow) to the officer." "No," says I, "he did not do that, but merely turned round to ask the meaning of a blow from the officer." After which, and taking my name, and saying he would write to Mr. Scarlett (the Consul), I left him.

I then went to the hospital to Erskine after that, when he dictated the letter I write precedingly. It seems that Mr. Charles Lever (the author) and a friend came and saw Erskine, and said that they dined to-day with the Consul, and they would talk to him upon the subject. We have got a good witness, a priest.

Such a cowardly act requires to be punished; it seems that such cases happen every day, and no notice is taken of them if the person is an Italian. As an example I will give you the following, which I am told happened a few days ago. An Italian happening to tread upon the foot of an Austrian officer, ordered some soldiers to cat-o'-nine-tail him, which they did till he was nearly dead; no notice was taken of it, and the case would have ended in nothing, but this officer was found dead, having been assassinated. I do not think the Consul did right in treating this case in such a cold manner, as if an Englishman, his compatriot, was nothing to either him or his country.

Fear nothing, as Erskine is not in any danger. When I left him he was eating his dinner, as if nothing had happened.

I shall write to you every day, stating how he is, and he probably will do so also.

I remain, &c.
(Signed) T. MATHER.

P.S.—The scoundrel is an Austrian officer.

Inclosure 2 in No. 1.

Mr. T. Mather to his Father.

My dear Father,

December 30, 1851.

I RECEIVED your letter to-day, with the inclosed 10l.

I wrote you yesterday stating the accident which has arrived to Erskine. Do not be uneasy; Erskine is getting on wonderfully, and the doctors say that the cut is not serious in the least, the flesh only being cut.

I was seeing him this morning, and he was in good spirits, and says it does not pain him; he slept well last night.

He has been hled this morning, the doctors having taken about a couple of tumblers from his arms.

The doctors say he will be perfectly well, and on his legs in a week or ten days.

The people of Florence are very indignant at this shameful act. A great many English have been to Erskine, offering their services.

If reports are true, the officer has been arrested this morning.

Now I finish, giving Erskine's best love to you all.

I remain, &c.

(Signed) T. MATHER.

P.S.—I will write again to-morrow.

T. M.

No. 2.

Earl Granville to Mr. Wawn.

Sir,

Foreign Office, January 8, 1852.

I HAVE to acknowledge the receipt of your letter of the 7th. I have received by private hand an account similar to that contained in your letter and its inclosures; and I expect to hear by the next post from Her Majesty's Chargé d'Affaires on the subject of the assault complained of.

I have lost no time in sending instructions to Her Majesty's Chargé d'Affaires to take the necessary steps with respect to this outrage upon Mr. Mather.

I am, &c.

(Signed) GRANVILLE.

No. 3.

Earl Granville to the Hon. P. C. Scarlett.

Sir,

Foreign Office, January 8, 1852.

I HAVE this day received from Mr. Wawn, the Member for South Shields, an account of a most wanton and unprovoked outrage committed by two Austrian officers at Florence, on the 29th ultimo, on a young English gentleman named Erskine Mather. It appears from the statement made in a letter to their father by the sufferer and his brother, who are aged respectively nineteen and sixteen years, that on the day in question they were following a band playing before a regiment, and were walking like many other persons between the band and the head of the regiment, when Mr. Erskine Mather, the eldest, was suddenly struck by an officer on the back with the flat of a sword, and that on his turning round and expostulating with the officer who inflicted the blow, he was struck in the face by another officer, while the original assailant inflicted a severe blow on his head with the sharp edge of his sword, which rendered it necessary for him to be conducted to the hospital.

The brothers assert that they had given no provocation for this cowardly outrage; that they had not in any way insulted or struck the officer; and that

witnesses, both Italian and French, are ready to come forward to speak to the truth of the facts as they have stated them.

It is stated, moreover, that the young gentleman had recourse as soon as possible to you, and that at your recommendation a complaint was preferred by the younger, the elder being suffering from the effects of the wound, to Prince Liechtenstein, who, having heard his statement, said he would write to you on the subject.

I have received no report from you on this matter; but the story of the young men is so candidly told, and they appear from the tenor of another letter from them which has been shown to me, to be such well-conditioned and inoffensive persons, that I cannot question the truth of their statement, or entertain any doubt that a most cowardly and cruel injury has been inflicted on the eldest of them; and I therefore, without waiting for your report, at once instruct you, if the circumstances which have been communicated to me by Mr. Wawn are correctly stated, to represent to the Tuscan Government the deep concern with which Her Majesty's Government have learnt the particulars of this attack so unjustifiably made by an officer in the presence of his soldiers upon an unarmed and unoffending British subject; and you will say that you are directed to ask for ample reparation, and to express the confident expectation of Her Majesty's Government that such reparation will be promptly afforded by the Tuscan Government.

I am, &c.
(Signed) GRANVILLE.

No. 4.

Earl Granville to the Hon. P. C. Scarlett.

Sir,

Foreign Office, January 8, 1852.

I HAVE to instruct you to state to the Tuscan Minister, that Her Majesty's Government deeply regret the necessity of making repeated remonstrances to the Tuscan Government on the subject of the outrages and vexations to which British subjects in Tuscany are now exposed; and you will point out to his Excellency that more complaints reach Her Majesty's Government of the misconduct of persons in authority towards British subjects from Tuscany, than from all the other States in Europe.

It appears to Her Majesty's Government that the Grand Ducal Government, instead of continuing to extend to British subjects that gracious favour and protection which they had formally the good fortune to enjoy in Tuscany, now habitually treats them as persons to be generally suspected and disliked, and has taken no sufficient steps to prevent the subordinate officers of the Government from acting with rigour and injustice towards them in the repeated instances which have recently occurred.

It is obvious that the continuance of friendly feelings towards the Grand Ducal Government on the part of Her Majesty's Government is incompatible with a perseverance on the part of the Tuscan Government in the present system; and as Her Majesty's Government are most anxious that no ill-feeling should exist between the two Governments, they earnestly desire that the Grand Ducal Government should adopt effectual measures to repress the ill-timed zeal of its subordinate officers, and should inculcate upon those officers the indispensable necessity of acting with moderation and forbearance towards British subjects.

Her Majesty's Government trust that they will receive in reply to their present communication, such assurances from the Tuscan Government as may enable them to state in answer to any questions which may be asked in Parliament on the conduct of the Tuscan Government towards British subjects, that the explanations and assurances which they have received from that Government are such as to satisfy them that whatever cause of complaint they may have heretofore had against the conduct of the Tuscan officers towards Her Majesty's subjects, they feel confident that hereafter Her Majesty's subjects in Tuscany will be secure from wanton oppression and molestation.

You will give a copy of this despatch to the Tuscan Minister.

I am, &c.
(Signed) GRANVILLE.

The Hon. P. C. Scarlett to Earl Granville.—(Received January 12.)

My Lord,

Florence, January 2, 1852.

IT is my duty to draw your Lordship's attention to an act of unjustifiable violence committed in this city by an Austrian officer on a young Englishman named Mather, the son of a respectable merchant of South Shields. I have received from Mr. Mather the following details, and have heard them corroborated by his brother, who was walking with him at the time.

On the forenoon of the 29th of last month, a detachment of the Infantry Regiment Kinsky was marching down the Via dei Martelli, preceded by its band. The usual crowd of persons accompanied the music, some of them (including Mr. Mather and his brother) walking between the band and the troops. An obstruction was created in a narrow part of the street by the passage of a carriage. Mr. Mather came accidentally in the way of the Commander of the detachment, Lieutenant Forsthuber, and admits that he may possibly have touched that officer. He then received a blow from the flat of M. Forsthuber's sabre on his back, and on turning round indignantly to expostulate, was struck in the face by another officer with his fist. While staggering from this blow he received a sabre-cut on the head from Lieutenant Forsthuber, which wounded him so severely that his life is still in danger. He was then taken to the hospital and still lies there.

It does not appear that Mather was known to be an Englishman. From the shape of his hat (one of those called "all' Ernani," and considered a badge of the Liberal party) he was probably taken for an Italian.

The general indignation caused by this event among British residents here has not yet subsided.

From a wish to obtain prompt justice I applied at once unofficially to the Austrian Commander-in-chief in Tuscany for reparation, being on the most friendly terms with him. Prince Liechtenstein informed me that his accounts were different from mine: that the officer had repeatedly cautioned Mr. Mather to make way; that he first gently pushed the latter with his weapon; that he was threatened by Mr. Mather with the fist; and finally used his arms in self-defence only. For these reasons his Serene Highness considers the conduct of Lieutenant Forsthuber perfectly justifiable by the rules of every army, but has severely reprimanded the other officer (M. Karg) who interfered though not on duty.

I think it right to state here that an Austrian officer in uniform, and more especially on duty, is obliged by the rules of the service, if insulted or menaced, to resent the insult on the spot. But it is the opinion of the British officers whom I have consulted, that however stringent the rules of any service may be, nothing can justify such an attack on an unarmed man.

Mather and his witnesses, on their side, positively deny that he ever used any threat, or raised his hand in a menacing attitude.

It was intimated to me confidentially, that if Mather would declare that he had no intention of offending the officer, the latter would be ready to declare that he had used his arms under the apprehension of receiving an insult, and that he regretted his mistake. Although this offer seemed hardly a sufficient reparation, I caused it to be conveyed to Mr. Mather; but he declined it, and demanded a formal inquiry.

I felt so perfectly convinced of the impossibility of obtaining from the Tuscan Government any legal measures against an Austrian officer without the consent of the Austrian authorities, that I went at once to the Prince de Liechtenstein. I pointed out to him that I was about to apply officially to the Tuscan Government for a legal inquiry; that my relations with them would be seriously compromised by a refusal; and that their answer would, under present circumstances, naturally depend upon his consent.

In justice to the Prince, I am happy to state that he evinced the most conciliatory spirit, and finally acquiesced in my proposal.

I then repaired to the Palazzo Vecchio, and acquainted the President of the Council and the Ministers for Foreign Affairs and the Interior with the result of my private negotiation, which gave them much satisfaction. I immediately

addressed an official note to the Minister for Foreign Affairs, demanding a full judicial inquiry into the case according to Tuscan law; and I received on the same evening an affirmative and satisfactory reply from his Excellency.

I have the honour to inclose herewith copies of this correspondence for your Lordship's information.

I was quite prepared to suspend official intercourse with this Government if all redress were refused; and I think myself fortunate in having obtained the Austrian assent to an inquiry, without which the Tuscan Government would undoubtedly have refused theirs.

The whole of this negotiation took place yesterday. On the previous day I had privately informed the Duke of Casigliano, that if no reparation were granted, I should feel it to be my duty to abstain from appearing at the State ball, and from presenting the English on New Year's Day. It was also the general intention of the English, in the above contingency, not to have attended the ball.

I shall now neglect no means of obtaining justice legally for Mr. Mather; but I am not without fear that his witnesses will be met by very opposite testimony.

It has been reported to me that Prince Liechtenstein has expressed his regret that an inquiry has been granted, for he is certain of the acquittal of his officer, and will then be obliged to demand the expulsion from Tuscany of Mr. Mather.

I trust I may soon be placed in possession of the sentiments of Her Majesty's Government with reference to this affair, and may receive from your Lordship instructions for my future guidance.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

Inclosure 1 in No. 5.

The Hon. P. C. Scarlett to the Duc de Casigliano.

Florence, January 1, 1852.

THE Undersigned, &c., had hoped that the grave charges brought by a British subject, named Mather, against the Austrian officer in command of a detachment on duty in this town, on the 29th of last month, would have been immediately followed by measures on the part of the military authorities, rendering unnecessary any official application from the Undersigned to the Tuscan Government for redress of the injury inflicted.

The Undersigned judges it unnecessary to trouble his Excellency the Duke of Casigliano, &c., with a repetition of details already known to him. But having failed in private and unofficial attempts to bring this question to a satisfactory solution by other means, it becomes now his duty to demand of the Tuscan Government an assurance that a full judicial inquiry shall be forthwith instituted, so as to afford Mr. Mather the requisite opportunity of obtaining justice.

The Undersigned, &c.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

Inclosure 2 in No. 5.

The Duc de Casigliano to the Hon. P. C. Scarlett.

M. le Chargé d'Affaires,

Florence, 1 Janvier, 1852.

JE m'empresse à répondre à la note que vous venez de m'adresser avec la date de ce même jour, relativement à l'affaire pendante entre le sujet Britannique, Mr. Mather, et l'autorité militaire Autrichienne, que le Gouvernement Toscan consent à instituer, d'après les lois du pays, une enquête judiciaire, afin de faire éclore la vérité sur un fait qui, sous plusieurs rapports, n'est point encore éclairci.

Le Gouvernement Toscan, dans l'intérêt de la justice, ne manquera pas de rechercher tous les élémens qui seront en son pouvoir pour parvenir au but qu'il se propose, et j'aurai l'honneur de vous rendre compte du résultat.

Je vous prie, &c.

(Signé) LE DUC DE CASIGLIANO.

(Translation.)

M. le Chargé d'Affaires,

Florence, January 1, 1852.

I HASTEN to reply to the note which you have addressed to me to-day respecting the affair pending between the British subject Mather and the Austrian military authority, that the Tuscan Government agrees to institute, according to the laws of the country, a judicial inquiry, in order to elicit the truth in regard to a matter which in many respects is not yet cleared up.

The Tuscan Government, in the interest of justice, will not fail to search out all the elements which shall be in its power in order to obtain the proposed object, and I shall have the honour to give you an account of the result.

I request, &c.

(Signed) THE DUKE OF CASIGLIANO.

No. 6.

The Hon. P. C. Scarlett to Earl Granville.—(Received January 12.)

(Extract.)

Florence, January 6, 1852.

I REGRET that my first despatch to your Lordship should be on so unpleasant a subject as that of an outrage against an Englishman at Florence.

I forward the details in my previous despatch, and have only now to add the copy of a letter to me from Prince Frederic de Liechtenstein, by which he attempts to justify the act of one of his officers.

Unless I had been on friendly terms with the Prince, and generally with the Austrians, I am quite convinced that all inquiry into this unfortunate affair would have been denied to me as Chargé d'Affaires, for without the consent of the Austrian authorities, there would be no possibility, by peaceful means, of persuading the Tuscan Government to do any kind of justice in such cases, owing to their dependent position.

There is, I have no doubt, much regret that Mr. Mather happened to be an Englishman, and if that fact had been previously known, Lieutenant Forsthuber's conduct would probably have been very different, but, morally speaking, such violence ought then to be considered still more unpardonable.

I have suggested the employment of M. Salvagnoli as his advocate, who will I am sure do his best on this occasion if he undertakes Mr. Mather's cause; but I should like to know from your Lordship if I may offer him, in that case, any pecuniary remuneration.

During my interview with Prince de Liechtenstein he used very conciliatory language.

Inclosure in No. 6.

Prince Liechtenstein to the Hon. P. C. Scarlett.

Florence, le 30 Décembre, 1851.

AVANT d'avoir reçu votre lettre par laquelle seulement j'ai appris que l'homme blessé était un Anglais, dès que j'ai eu connaissance de l'événement même, j'avais déjà donné l'ordre de faire une inquisition formelle sur le fait.

Le résultat de cette inquisition est tout-à-fait conforme à ce que le frère de Mr. Mather m'a dit.

Le détachement d'infanterie qui, précédé par la musique militaire, montait la garde, passait par la rue étroite qui conduit de la Via Larga à la Piazza del Duomo. Il y avait de l'encombrement, et plusieurs gens se fourraient entre la

musique et la troupe, de manière que celle-ci était forcée de raccourcir le pas. Un homme surtout marchait tout le temps justement devant l'officier qui, commandant ce détachement, se trouvait à la place prescrite pour lui par notre règlement militaire, et l'empêchait de continuer sa marche. L'officier lui disait poliment en Italien de lui faire place, en le touchant avec son sabre, pour lui faire savoir que c'était à lui qu'il parlait. Cet homme se tournait là-dessus, regardait l'officier, mais continuait sa marche de la même manière. Après que ce manœuvre s'était répété plusieurs fois, l'officier se fâcha, et poussa avec force de côté cet homme, qui l'empêchait de continuer sa marche, et duquel il devait croire qu'il le faisait avec l'intention malveillante, n'ayant pas donné de suite à des paroles dites poliment.

Cette supposition avait d'autant plus de vraisemblance, que cet homme avait un chapeau rond sur la tête, dans le genre comme le portent maintenant les gens qui veulent faire voir qu'ils font partie de l'Opposition. Un autre officier qui accompagnait la garde, sans être de service, donnait (saisi de la même idée) un autre coup à cet individu, qui se tournait avec une mine irritée, et qui n'était autre que Mr. Mather. Sur cela Mr. Mather, se mettant en position de boxeur, avançait vers l'officier, qui était en service et avait le sabre en main, avec le poing en l'air. L'officier qui certainement ne pouvait pas souffrir d'être traité de cette manière, et qui risquait de recevoir une insulte outrageante devant son peloton, fit usage de ses armes en donnant un coup de sabre à Mr. Mather. Je dois ajouter qu'un simple soldat qui voyait le danger que son officier courait, en était tellement indigné qu'il était au point de percer ce Monsieur avec sa baïonnette lorsqu'il le vit tomber.

Je suis tout-à-fait persuadé que Mr. Mather n'avait pas le moins du monde l'intention de provoquer un esclandre, et que seulement une coïncidence de circonstances malheureuses, entre lesquelles je compte aussi que Mr. Mather ne comprend pas l'Italien, à ce qu'il paraît, a été la cause de cette fâcheuse affaire. Quoique extrêmement fâché de cette mésaventure, je ne saurais blâmer l'officier en service, qui agissait comme tout officier de chaque armée aurait agi dans une telle circonstance, se trouvant de service, et risquant d'être déshonoré au moment qu'il était, le sabre en main, devant sa troupe.

Quoique excusable j'ai donné une réprimande sévère et officielle à l'autre officier, qui, se mêlant sans nécessité dans cette affaire, a contribué à l'état d'irritation de Mr. Mather.

Je regrette beaucoup qu'un sujet Anglais, qui, sans le vouloir et même sans le savoir, a donné lieu à cette triste aventure, en a été la victime; et j'espère sincèrement que vous ne serez plus jamais dans le cas de m'écrire pour une telle affaire.

J'ai envoyé aujourd'hui le Capitaine Theiss à l'hôpital pour avoir des nouvelles sur l'état de santé de Mr. Mather, et pour le faire demander s'il avait tout ce qui lui est nécessaire, pour pouvoir lui offrir mes services en cas de besoin; mais le médecin ne lui a pas permis de parler avec lui, l'assurant pourtant que, grâce à Dieu, la blessure n'était pas le moins du monde dangereuse, et ne laisserait pas de suites fâcheuses.

En répétant mes regrets que cette affaire entre un sujet Anglais et un officier Autrichien a eu lieu, je vous prie d'agréer, &c.

(Signé) PRINCE LIECHTENSTEIN.

(Translation.)

Florence, December 30, 1852.

BEFORE receiving your letter, by which alone I learnt that the wounded man was an Englishman, from the very moment when I became acquainted with what had happened, I had already given orders for a formal inquiry into the facts.

The result of that inquiry is entirely in conformity with that which Mr. Mather's brother told me.

The detachment of infantry which, preceded by military music, was mounting guard, was passing through the narrow street which leads from the Via Larga to the Piazza del Duomo. There was a stoppage, and many people were pushing themselves between the music and the troops, inasmuch that the latter were forced to shorten step. One man in particular walked the whole time

precisely before the officer, who being in command of this detachment was in the place prescribed to him by our military regulations, and prevented him from continuing his progress. The officer told him politely in Italian to give place to him, at the same time touching him with his sabre in order to make him understand that he was speaking to him. This man thereupon turned round, looked at the officer, but continued to walk in the same manner. After this proceeding had been several times repeated, the officer became angry, and forcibly thrust aside the man who prevented him from continuing his march, and who he could not but think did so with mischievous intent, as he did not attend to words spoken politely.

This supposition seemed the more probable from the circumstance that this man had a round hat on his head, in the fashion now worn by the people who wish to show that they belong to the Opposition. Another officer who accompanied the guard, without being on duty, gave (under a like impression) another blow to this individual, who turned round with an irritated look, and who was no other than Mr. Mather. Upon that Mr. Mather, putting himself in a boxing attitude, advanced with his fist uplifted towards the officer—who was on duty, and had his sabre in hand. The officer, who certainly could not submit to be treated after such a fashion, and who was exposed to the risk of receiving an outrageous insult at the head of his detachment, made use of his arms by giving Mr. Mather a stroke of his sabre. I ought to add, that a private soldier who saw the danger which his officer ran, was so indignant that he was on the point of piercing that gentleman with his bayonet when he saw him fall.

I am entirely persuaded that Mr. Mather had not the least intention in the world to provoke a disturbance, and that merely a coincidence of unfortunate circumstances, amongst which I include also the fact that Mr. Mather does not understand Italian, as it would appear, has been the cause of this unpleasant affair. Although extremely sorry at this mischance, I could not blame the officer on duty, who acted as every officer of every army would have acted under such circumstances, being on duty and running the risk of receiving an insult at a moment when, sabre in hand, he was in front of his troops.

Although excusable, I gave a severe and official reprimand to the other officer, who, meddling unnecessarily in this affair, contributed to Mr. Mather's state of irritation.

I regret much that a British subject, who without wishing it, and even without knowing it, has given rise to so sad an occurrence, should have been the victim of it; and I sincerely hope that you will never again have occasion to write to me on such a matter.

I have sent Captain Theiss to-day to the hospital to obtain an account of the state of Mr. Mather's health, and to cause inquiry to be made of him whether he had everything that he required, in order that I might offer him my services in case of necessity; but the physician would not permit him to talk with him, assuring him, however, that, thank God! the wound was not in the least degree dangerous, and would leave no disagreeable consequences.

Whilst repeating my regret that this affair between a British subject and an Austrian subject should have occurred, I request, &c.

(Signed)

PRINCE LIECHTENSTEIN.

No. 7.

Earl Granville to the Earl of Westmorland.

My Lord,

Foreign Office, January 13, 1852.

I HAVE received from Mr. Wawn, the Member for South Shields, an account of a most wanton and unprovoked outrage committed by two Austrian officers at Florence on the 29th ultimo, on a young English gentleman named Erskine Mather. It appears from the statement made in a letter to their father by the sufferer and his brother, who are aged respectively nineteen and sixteen years, that on the day in question they were following a band playing before a regiment, and were walking, like many other persons, between the band and the

head of the regiment, when Mr. Erskine Mather, the eldest, was suddenly struck by an officer on the back with the flat of a sword; and that on his turning round and expostulating with the officer who inflicted the blow, he was struck in the face by another officer, while the original assailant inflicted a severe wound on his head with the sharp edge of his sword, which rendered it necessary for him to be conducted to the hospital.

The brothers assert that they had given no provocation for this cowardly outrage; that they had not in any way insulted or struck the officers; and that witnesses, both Italian and French, are ready to come forward to speak to the truth of the facts as they have stated them.

It is stated, moreover, that the young gentleman had recourse as soon as possible to Her Majesty's Chargé d'Affaires at Florence, and that at the recommendation of the latter a complaint was preferred by the younger, the elder being suffering from the effects of the wound, to Prince Liechtenstein, who, having heard his statement, said that he would write to Mr. Scarlett on the subject.

The story of the young men is so candidly told, and they appear from the tenour of another letter from them, which has been shown to me, to be persons so entirely free from every charge of insult or provocation to the Austrian officers, that I cannot question the truth of their statement, or entertain any doubt that a most cruel injury has been inflicted.

I have now received a report from Mr. Scarlett, stating that, at his request, and in conformity with a desire expressed by Mr. Mather, the Tuscan Government has consented to a judicial inquiry. I have therefore no official instructions to address to you; but if this inquiry is not fairly conducted, and influence is used to suppress the truth, the British Government will be obliged to ask for reparation for this outrage upon an unoffending and unarmed British subject, from Austria, and to express the confident expectation of Her Majesty's Government that such reparation will be promptly afforded by the Austrian Government.

I am, &c.
(Signed) GRANVILLE.

No. 8.

Earl Granville to the Hon. P. C. Scarlett.

Sir,

Foreign Office, January 14, 1852.

I HAVE to acquaint you, with reference to your letter of the 6th of January, that you are authorized to employ as advocate in supporting Mr. Mather, and that you may charge the expense of doing so in your quarterly account of extraordinary disbursements.

I am, &c.
(Signed) GRANVILLE.

No. 9.

Earl Granville to the Hon. P. C. Scarlett.

Sir,

Foreign Office, January 19, 1852.

I HAVE received your despatch of the 2nd of January, reporting your proceedings in regard to the outrage committed by an Austrian officer on Mr. Erskine Mather, a British subject; and I have to acquaint you that Her Majesty's Government entirely approve your conduct as reported in your despatch.

My despatch of the 8th instant will have informed you of the course which Her Majesty's Government, previously to the receipt of your report on this subject, considered it right that you should pursue; and I have only to add to that despatch the further instruction to state to the Tuscan Government the expectation of Her Majesty's Government that the inquiry which is to be instituted into this painful transaction shall be fairly conducted, and

that no undue influence shall be used to prevent persons competent to give testimony, from stating the exact truth in regard to what has occurred.

I inclose for your information a copy of a despatch * which, since the receipt of your despatch of the 2nd instant I have addressed to the Earl of Westmorland on Mr. Mather's case.

I am, &c.
(Signed) GRANVILLE.

No. 10.

Earl Granville to the Earl of Westmorland.

My Lord,

Foreign Office, January 20, 1852.

I HEREWITH transmit to you for your information, copies of the correspondence† which has passed with Her Majesty's Chargé d'Affaires at Florence, on the subject of the outrage which has been committed on Mr. Mather.

I am, &c.
(Signed) GRANVILLE.

No. 11.

The Hon. P. C. Scarlett to Earl Granville.—(Received January 22.)

My Lord,

Florence, January 15, 1852.

I MET Prince de Liechtenstein last night at the Pitti Palace, who on that occasion informed me that he had heard from Marshal Radetzky approving of an inquiry being instituted into the affair of the attack made by Lieutenant Forsthüher on Mr. Mather, and directing Prince de Liechtenstein to intimate this fact to me.

An investigation and examination of witnesses before the Tuscan civil authorities are now going on; but as I understand the proceedings have only just begun, I am unable at present to give your Lordship any further information on this subject.

Mr. Mather is recovering from the effects of the wound he has received, and will shortly be permitted to leave the hospital, where he has been well treated.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

No. 12.

The Earl of Westmorland to Earl Granville.—(Received February 3.)

My Lord,

Vienna, January 27, 1852.

PRINCE SCHWARZENBERG has heard nothing further from Florence on the affair of Mr. Mather.

I learn from the persons acquainted with the brother officers of Lieutenant Forsthüher, who struck Mr. Mather, that he had not the slightest idea he was acting against an Englishman. He thought the person who he believed was about to strike him, was one of the sect of "La Giovine Italia," from the shape of the hat he wore; but in any case he only acted from the impulse of the moment and in the conviction he was insulted.

I have, &c.
(Signed) WESTMORLAND.

* No. 7.

† Nos. 3, 5.

Mr. Mather to Earl Granville.—(Received February 12.)

*Florence, Piazza Maria Antonia, 1205,
February 4, 1852.*

My Lord,

THE kindness and sympathy with which your Lordship was pleased to receive favourable accounts of my son, and the prompt determination you expressed to take measures to obtain redress for the outrage committed upon him, induce me to trouble your Lordship with this note.

I have the honour to inform your Lordship that he came out of the hospital on the 17th ultimo. He is now with me, and though disturbed by headaches, is, I trust, in a fair way of recovering. He has had indeed a narrow escape.

I beg leave to inclose your Lordship a copy of a letter written by him to M. Salvagnoli, an able advocate of Florence, the person employed under the instructions received from Her Majesty's Chargé d'Affaires here, which demonstrates that portion of the case which I presume your Lordship will find of importance. From it, it will be seen that my son in no manner, or in no way, by word or act, or gesture, menaced or offered insult or obstruction to the Austrian officers; and that it was a violent outrage of uncontrolled passion and power. The whole circumstances of the case, and the important and unprejudiced witnesses obtained, bear out his detail.

This will I trust render the case for your Lordship clearer and more under command.

Though M. Salvagnoli was engaged, as your Lordship will observe by the same letter, and by a copy of another letter also annexed (No. 2), to watch the proceedings before the Commission of inquiry, and to procure witnesses, he has not yet been present at the examination of a single witness on either side before it; indeed, yesterday, he informed us it was not competent for him to be there; nor, as far as I can learn, has he obtained one witness for examination. In fact he can give us no information whatever on the position of the case. So that this inquiry is conducted at the Prefecture in the manner they please, in secret, without an opportunity of eliciting truth or rebutting evidence against it; and the case is thus left entirely at their disposal. Witnesses who had generously offered themselves, or been obtained by my son, we have, to procure their examination, found it necessary since my arrival, to apply to Her Majesty's Chargé d'Affaires; and to this hour, though my son made a deposition the day he was taken to the hospital, he has not been called on for his evidence. His brother had also considerable obstructions thrown in the way of his full and correct examination before an interpreter in whom he had confidence.

This Commission of inquiry, if it may be called so, sits in secret and carries on its work in secret. How it is constituted, who are its members, and what the nature of its proceedings, seem unknown to all. Whether such a body, I will presume, of Tuscan police officials, under the present disposition of the authorities and in the present circumstances—the Austrians in military possession—are likely to make full investigation into the merits of such a case, it is for your Lordship to decide.

Whether such an inquiry ought not to have been committed to a Commission so constituted, and whose proceedings would be so conducted as to be a guarantee of justice and impartiality, it is not for me to offer an opinion.

Your Lordship will also perceive by a copy of the letter to M. Salvagnoli, that it has been suggested to us by him, and in the presence of an Attaché to the Legation, that legal proceedings should be taken by us on our own responsibility, in the tribunals of Tuscany.

Unfortunately, the judges of these tribunals, learned and able though they be, are under the influence of the Government, their incomes and positions depending upon it. Already cases have been known to creep through their processes for years. There is a civil action of an Englishman, well known here, which has been pending for five years past.

The Austrian troops are military masters of this country; the Government and all its officers, civil, judicial, and military, are at its command. How it is possible to obtain a just decision under such circumstances on an outrage com-

mitted by an Austrian officer, and if obtained, how to be executed against him, sustained by the Austrian army, it would be difficult to say. Where is the culprit to be found? How is he to be reached? It would be a delusion and a snare to enter these tribunals for the purpose of redress in such a case. Whether the tribunals of any country could be found sufficiently independent to pronounce a just judgment under similar circumstances may be doubted; but certainly not that they have no power to enforce it without better guarantees than at present exist here.

Nor by such a proceeding would I throw a doubt on the power and sincerity of the British authorities to procure us redress. I dare not take the responsibility of placing this important question, involving the safety of our countrymen abroad, in such a fatal position.

We are, however, entirely in the hands of your Lordship and the British Legation here. If it be deemed best, for reasons of State which I do not understand, to take such a course or any other, by our receiving official authority and instructions how to act, as far as we are concerned, they shall be promptly and willingly obeyed. What may be fitting for the honour and satisfaction of our country, of which your Lordship in such a case is the guardian and judge, cannot but be so for us.

I have, &c.

(Signed) JAMES MATHER.

Inclosure 1 in No. 13.

Mr. Mather to M. Salvagnoli.

Monsieur, *Via delle Ruote, 5829, Florence, 18 Janvier, 1852.*

ETANT sous la direction du Chargé d'Affaires Britannique, et ayant reçu l'avis de procurer l'aide d'un avocat habile et capable de conduire l'affaire qui est à présent en cas d'examen devant la Préfecture de Police entre moi et un officier de l'armée Autrichienne, de qui j'avais reçu un coup de sabre, je vous prie de me faire le plaisir de la conduire, et vous envoie mon frère, qui vous fera connaître les circonstances de l'événement.

Comme il y a plusieurs témoins, dont pas un seul n'a été encore examiné, mon frère excepté, je vous envoie l'adresse de deux entre eux, et espère vous faire savoir celle des autres demain.

J'ai, &c.

(Signed) ERSKINE MATHER.

(Translation.)

Sir, *Via delle Ruote, 5829,
Florence, January 18, 1852.*

BEING under the guidance of the British Chargé d'Affaires, and having received notice to procure the assistance of a skilful lawyer capable of conducting the affair which is at present in course of examination before the Prefecture of Police, between myself and an officer of the Austrian army, from whom I have received a sabre-cut, I request you to be good enough to conduct it; and I send my brother to you, who will acquaint you with the circumstances of the occurrence.

Since there are several witnesses, of whom not one has yet been examined with the exception of my brother, I send you the address of two of them, and hope to let you know that of the others to-morrow.

I have, &c.

(Signed) ERSKINE MATHER.

Inclosure 2 in No. 13.

*Mr. Mather to M. Salvagnoli.**Piazza Maria Antonia, 1205, Florence,
le 30 Janvier, 1852.*

Monsieur,

LE 19 de ce mois (Janvier) je vous ai envoyé une demande fondée sur les instructions que j'ai reçues de la Légation Britannique, dans une lettre datée le 17ème de ce mois, disant: "Comme dans votre cas, l'investigation (inquiry) est encore en train, j'ai à vous solliciter de faire tous les efforts possibles pour vous assurer de l'évidence de témoins, et pour cette raison je vous conseille de retenir les services d'un avocat habile, qui gardera sur vos intérêts."

J'ai compris que cette investigation est l'investigation alors à la Préfecture, promise par le Gouvernement de la Toscane.

Le 17 de ce mois je quittai l'hôpital, bien faible, et souffrant des effets de la blessure, aussi mon médecin m'avait-il ordonné de ne pas sortir de la maison.

Mon jeune frère a fait tout ce qui était nécessaire aussi bien qu'il a pu. Il a eu beaucoup de difficultés à surmonter. Presqu'un étranger au peuple et ne connaissant que très peu la langue, la répugnance des autorités officielles, l'hostilité des Autrichiens, qui tiennent possession militaire de la ville, et l'indisposition naturelle d'individus de s'exposer aux suites de cette hostilité, malgré la sympathie profonde et générale qu'on me dit existe pour mon malheur—n'étaient pas des difficultés ordinaires.

Cependant les offres généreuses de quelques personnes, jointes à beaucoup d'exertion, nous a obtenu une liste de témoins, hommes honorables et respectables—préparés à témoigner à la vérité. On vous en a envoyé les noms.

Aujourd'hui nous avons eu l'honneur d'avoir un rendez-vous officiel avec son Excellence le Chargé d'Affaires de Sa Majesté Britannique, qui va prendre immédiatement les mesures nécessaires pour presser l'investigation devant la commission à la Préfecture, de manière à arriver à sa conclusion parfaite par une plus examination des témoins; et la suggestion que vous faisiez Mardi, devant Mr. Barron, l'Attaché à l'Ambassade, et à laquelle vous avez Jeudi fait allusion, devant lui, de commencer de procédés devant les tribunaux légaux du pays, il ne faut pas qu'elle soit exécutée, en aucune manière que ce soit, ou si elle l'est, il faut qu'elle le soit seulement sous les instructions expresses et officielles de la Légation Britannique elle-même.

En accord avec votre désir, je vous donne maintenant les détails suivants de l'outrage, lesquels je certifie solennellement sont vrais, que je suis préparé à témoigner sur serment, et qui sont vérifiés par le meilleur témoignage.

Le 29 Décembre, 1851, mon frère et moi nous partîmes de notre maison, Via delle Ruote, pour aller déjeuner à un café dans la Piazza del Duomo.

Passant par la Piazza San Marco, nous nous y sommes arrêtés pour regarder les musiciens du régiment qui avec d'autres soldats y étaient en position. Voyant qu'ils ne se mettaient pas en route, nous nous en sommes allés après trois ou quatre minutes.

Etant arrivés à peu près au milieu de la Via Larga, nous entendîmes la musique. Nous les attendîmes, et comme ils poursuivirent le même chemin que nous, nous marchâmes à leur droite jusqu'à la fin presque de la Via dei Martelli.

Cette rue étant, comme vous le savez, très étroite, l'était rendue encore plus par une espèce de char qui s'y trouvait. Comme il y avait alors très peu de place et comme notre café était à l'autre côté, nous, incommodés par la foule, passâmes entre les musiciens et la garde, où il y avait une distance de quarante à cinquante pieds et où il marchait beaucoup d'autres personnes.

Là, marchant bras-dessous-bras avec mon frère, je reçus soudainement un coup fortement donné sur le dos, ce qui me fit tout de suite tourner. Alors je vis qu'il me le fut donné par l'officier en avant de la garde, et qui tenait dans sa main son sabre nu, avec le plat duquel il m'avait frappé.

Je lui demandai, un peu fâché, mais sans gesticulation et sans menace, dans le meilleur Italien que je pus, la raison de ce coup, me servant de ces mots, ou à peu près: "Perchè m'avete dato questo?"

Comme je parlais ainsi à l'officier je fus soudainement interrompu par une autre personne, qui était habillée dans l'uniforme Autrichien, et qui se jeta entre moi et le premier, me donnant au même temps un coup de poing au visage, ce qui me faisait saigner.

Le coup me fit reculer en chancelant, et, à cet instant, avant que je pusse me remettre, je reçus un coup de sabre sur la tête, du premier officier, ce qui m'a sévèrement étourdi. Le coup me traversa le chapeau, me trancha la tête, faisant une blessure d'à peu près 3½ pouces de longueur, profonde jusqu'à l'os qui a souffert, et faisait couler le sang à grands flots.

Peu de temps après, à mon désir, mon frère suivit l'officier pour le reconnaître, et je fus conduit à l'hôpital de Santa Maria Nuova, où je fus obligé de rester pendant trois semaines à peu près, avant que je pusse retourner à la maison.

Comme il a été dit que j'avais menacé l'officier après le premier coup, je vous affirme solennellement qu'il est entièrement faux et sans fondement, ce que les raisons suivantes soutiendront :

1. Il est impossible de croire que je pusse contempler pour un seul instant, un trait si plein de folie et si hors de sens, que celui que de menacer, seul et sans armes, par aucun fait que ce soit, un homme avec son sabre nu à la main, et à la portée des baïonnettes d'un grand corps de soldats dont il était appuyé.

2. Si j'avais voulu faire la folie de m'opposer à l'officier, dans de pareilles circonstances, cela eût été par un coup soudain et instantané, et non par la plus grande folie de me mettre dans une position, et ainsi inviter l'emploi irrésistible de ses armes.

3. Pour une autre preuve que je n'étais pas dans une attitude menaçante, et que je n'étais pas préparé pour aucun fait personnel et violent que ce soit, est que la deuxième personne a pu me donner facilement, librement, et sans empêchement, un fort coup au visage.

4. Si j'avais été dans une attitude menaçante, ou dans une position de défense, avec le bras élevé, au lieu d'avoir reçu le coup sur la tête, il m'aurait été infligé sur le bras élevé.

5. La blessure que je porte à cet instant démontre clairement que le coup m'était porté par le dernier tiers du sabre, vers la pointe, comme le peuvent témoigner les officiers militaires qui l'ont examinée, ce qui prouve que la distance à laquelle j'étais alors, fut considérable et seulement à la portée d'une épée ou d'une pareille arme, et que l'officier était hors de la portée de toute menace ou attitude de résistance que ce soit d'un homme sans armes.

De même n'est plus compatible l'assertion que je faisais résistance ou offrais menace, avec l'autre défense avancée, que le coup m'était porté parce que, portant un chapeau blanc, on me crut Toscan. Si la première raison avait été suffisante, l'autre, malheureuse comme elle l'est, n'aurait pas été nécessaire. Mais toute la défense est palpable, se contredit, et ne vaut rien. Un mauvais fait défendu ne peut l'être par la vérité.

Toutes ces raisons, sans vous troubler par d'autres encore, soutiennent parfaitement le récit véritable qu'il a été de mon devoir de vous donner.

J'ai, &c.

(Signé) JAMES ERSKINE A. MATHER.

(Translation.)

*Piazza Maria Antonia, 1205,
Florence, January 30, 1852.*

Sir,

ON the 19th instant (January) I addressed you a request founded on the instructions which I had received from the British Legation in a letter dated the 17th instant, saying, "as the inquiry in your case is still proceeding, I have to urge you to make every possible effort to secure the evidence of witnesses, and on this account I recommend you to engage the services of an experienced lawyer to watch over your interests."

I understood that this inquiry is the inquiry then before the Prefecture promised by the Tuscan Government.

On the 17th instant I left the hospital, very weak, and suffering from the effects of the wound; wherefore my doctor had desired me not to leave the house.

My young brother has done, as well as he was able, all that was necessary. He has had many difficulties to surmount. Almost a stranger to the people, and understanding very little of the language, the backwardness of the official authorities, the hostility of the Austrians, who hold military possession of the town, and the natural indisposition of individuals to expose themselves to the consequences of this hostility—notwithstanding the profound and general sympathy which I am told exists for my misfortune—were no ordinary difficulties.

However, the generous offers of certain persons, coupled with much exertion, has obtained for us a list of witnesses, honourable and respectable men, prepared to bear witness to the truth. Their names have been forwarded to you.

To-day we have had the honour of an official meeting with his Excellency Her Britannic Majesty's Chargé d'Affaires, who will immediately take the necessary steps to push on the inquiry before the Commission at the Prefecture, so as to arrive at its final conclusion by a further examination of the witnesses; and the suggestion which you made on Tuesday in the presence of Mr. Barron, Attaché of the Mission, and to which you alluded on Thursday in his presence, of commencing proceedings before the legal tribunals of the country, must not be acted upon in any way whatever, or if it be, it must only be so under the express and official instructions of the British Legation itself.

In compliance with your wish I now give you the following details of the outrage, which I solemnly certify to be true, which I am prepared to testify on oath, and which are verified by the best evidence.

On the 29th December, 1851, my brother and I left our house in the Via delle Ruote, to go and breakfast at a café in the Piazza del Duomo.

Passing through the Piazza San Marco, we stopped there to look at the band of the regiment which with other soldiers were drawn up there. Seeing that they did not march on we took our departure after three or four minutes.

Having reached about the middle of the Via Larga we heard the band. We waited for them, and as they were going the same way as ourselves we walked at their right hand nearly to the end of the Via dei Martelli.

This street being, as you are aware, very narrow, was made still more so by a sort of carriage which was there. As there was then very little room, and as our café was on the opposite side, being inconvenienced by the crowd, we passed between the band and the guard, where there was a space of from forty to fifty feet, and where many other persons were walking.

There, walking arm in arm with my brother, I suddenly received a sharp blow on the back which made me turn round immediately. I then perceived that it had been dealt me by the officer in advance of the guard, and who held his naked sabre in his hand, with the flat of which he had struck me.

I asked him, rather irritated, but without gesture and without menace, in the best Italian I could, the reason for this blow—using these words, or very nearly so: "*Perchè m'avete dato questo?*"

Whilst I was thus speaking to the officer I was suddenly interrupted by another person, who was dressed in the Austrian uniform, and who pushed between me and the first man, giving me at the same time a blow with his fist in the face, which made the blood flow.

The blow made me stagger back, and at this moment, before I could recover myself, I received a sabre-cut on the head from the first officer, which stunned me severely. The blow passed through my hat, cut my head, inflicting a wound of about three and a half inches in length, reaching the bone, which was injured, and making the blood flow profusely.

Shortly after, at my request, my brother followed the officer to identify him; and I was taken to the Hospital of Santa Maria Nuova, where I was obliged to remain during about three weeks before I could return home.

As it has been said that I menaced the officer after the first blow, I declare to you solemnly, that it is entirely false and without foundation, which the following reasons will bear out:—

1. It is impossible to believe that I could for a single instant contemplate so foolish and so senseless an act as that of threatening, alone and without arms, in any manner whatever, a man with a naked sabre in his hand, and within reach of the bayonets of a large body of soldiers by whom he was supported.

2. If I had been disposed to act so foolishly as to resist the officer under such circumstances, it would have been by an instantaneous and sudden blow, and not by the greater folly of placing myself in attitude, and by this means inviting the irresistible use of his arms.

3. Another proof that I was not in a threatening attitude, and that I was not prepared for any personal and violent act whatever, is, that the second person was able to give me easily, freely, and without hindrance, a severe blow in the face.

4. If I had been in a threatening position, or in an attitude of defence, with my arm raised, instead of having received the blow upon the head, it would have been inflicted on my uplifted arm.

5. The wound which I bear at this moment clearly shows that the blow was inflicted on me by the end of the sabre nearest the point, as the military officers who have examined it can bear witness; which proves that the distance at which I then was, was considerable, and only within reach of a sword or some similar weapon; and that the officer was out of the reach of any menace or attitude of resistance whatever from an unarmed man.

In like manner the assertion that I offered resistance or threats is incompatible with the other defence put forward, that the blow was dealt me because, as I wore a white hat, they took me for a Tuscan. If the former reason were sufficient, the other, wretched as it is, would not have been necessary. But the whole defence is palpable, contradicts itself, and is good for nothing. A had action cannot be defended by truth.

All these reasons, without troubling you with further ones, fully make out the true narrative which it has been my duty to give you.

I have, &c.

(Signed) JAMES ERSKINE A. MATHER.

No. 14.

Earl Granville to the Hon. P. C. Scarlett.

Sir,

Foreign Office, February 13, 1852.

I HAVE been in daily expectation of receiving your report of the result of the inquiry respecting the assault committed on Mr. Mather by an Austrian officer, which formed the subject of your despatches of the 2nd and 15th of January, and of my despatches of the 8th and 19th of that month.

If the inquiry into that transaction should not have been brought to a close, and the result of it communicated to you before the receipt of this despatch, I have to instruct you to ask the Tuscan Minister how soon Her Majesty's Government may expect to learn that result; and to urge upon him the expediency of bringing to a close at the earliest possible period a matter which has already attracted much attention in the British Parliament and amongst the British public.

I am, &c.

(Signed) GRANVILLE.

No. 15.

The Hon. P. C. Scarlett to Earl Granville.—(Received February 23.)

My Lord,

Florence, February 7, 1852.

WITH reference to your Lordship's despatch of January 8, regarding the ill-treatment experienced recently by British subjects in Tuscany, to which it became my duty to draw the attention of Her Majesty's Government, I lost no time in giving to the Duke of Casigliano a copy of that despatch, as instructed.

I have the honour to transmit herewith to your Lordship the official reply of his Excellency to that communication. This note contains expressions of the regret which the Tuscan Government feels on this subject, accompanied by an

D

assurance that Englishmen will receive from the subordinate authorities in Tuscany the protection which is due to them, as long as they do not infringe the laws of the country.

The Tuscan Government appears by this document rather more anxious than is justifiable, to avoid any admission of the misconduct of their police; but I am nevertheless inclined to believe that more stringent orders have already been issued, with a view to prevent in future the recurrence of such abuses.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure in No. 15.

The Duc de Casigliano to the Hon. P. C. Scarlett.

M. le Chargé d'Affaires,

Florence, ce 20 Janvier, 1852.

J'AI porté à la connaissance de mes collègues la dépêche de Lord Granville qui vous a été adressée avec la date du 8 du courant, et dont vous m'avez laissé copie, après m'en avoir donné communication officielle.

Le Gouvernement Toscan ne croit point avoir démenti les habitudes traditionnelles de bienveillante hospitalité dont il s'est toujours honoré envers les étrangers de toutes les nations, parmi lesquels les sujets de Sa Majesté Britannique occupent une si large place. Plusieurs de ces derniers habitent depuis longtemps la Toscane, et jouissent paisiblement de la protection qui leur est assurée par les lois du pays et par l'autorité civile.

Le Gouvernement Grand-Ducal a cependant le droit et le devoir d'exiger de tout étranger le respect qui est dû aux lois de l'Etat et aux agens de l'autorité gouvernementale; et a senti le besoin, dans la gravité des temps actuels, de raffermir les principes qu'une longue série d'années tranquilles et pacifiques avait relâchés.

Tout en regrettant les différends qui ont surgi dernièrement, le Gouvernement Grand-Ducal, jaloux de suivre la marche qui lui est indiquée par ses précédens, et de conserver les meilleurs rapports avec celui de Sa Majesté la Reine de la Grande Bretagne, se plaint à donner l'assurance que les sujets Britanniques continueront à jouir en Toscane de la protection qui leur est due, ainsi que des égards de la part des agens subalternes, toutes les fois qu'ils ne se rendront point coupables d'infraction aux lois du pays et de manque de respect aux représentans de l'autorité.

Agréé, &c.

(Signé) LE DUC DE CASIGLIANO.

(Translation.)

M. le Chargé d'Affaires,

Florence, January 20, 1852.

I HAVE communicated to my colleagues Lord Granville's despatch which was addressed to you on the 8th instant, and of which you left me a copy after having officially communicated it to me.

The Tuscan Government does not consider itself to have departed from the traditional habit of kind hospitality towards foreigners of all nations, among whom Her Britannic Majesty's subjects occupy so large a place, by which it has always distinguished itself. Many of the latter have resided for a long time in Tuscany, and peaceably enjoy the protection assured to them by the laws of the country and by the civil authority.

It is, however, the right and the duty of the Grand Ducal Government to exact from all foreigners the respect due by them to the laws of the State and to the authority of the Government; and it has found it necessary, in the present serious state of affairs, to give effect to the principles which a long series of tranquil and peaceful years had relaxed.

While regretting the differences which have lately occurred, the Grand Ducal Government, anxious to pursue the course marked out to it by its previous conduct, and to maintain the best relations with that of Her Majesty

the Queen of Great Britain, gladly gives the assurance that British subjects shall continue to enjoy in Tuscany the protection which is due to them, as well as attention on the part of the subordinate officers, in so far as they shall not be guilty of infringing the laws of the country and of failing in respect to the authorities.

Receive, &c.
(Signed) THE DUC DE CASIGLIANO.

No. 16.

The Earl of Westmorland to Earl Granville.—(Received February 24.)

My Lord,

Vienna, February 17, 1852.

HAVING received nothing from yourself or from Florence since I last wrote to you on the affair of Mr. Mather, I yesterday asked Prince Schwarzenberg if he had any information with regard to it. He said he had not heard a word upon the subject, except that a judicial inquiry had been instituted. I told him I was very anxious for the conclusion of that affair, and (as he would perceive by the extract of your speech which had been received by telegraph) you were also waiting for it with anxiety.

Prince Schwarzenberg assured me he was desirous of doing in this business what might be satisfactory to you, and he went on to state, that as far as the British Government was concerned, it was evident from the whole account of the transaction, that the offence was unpremeditated as against an Englishman. The accident that in a crowd in an Italian city, it should be one of our countrymen who crossed the path of an officer marching in parade-order at the head of his detachment, was an unfortunate one, but must relieve the case from any nationality in its character. It was evident the officer had acted upon the impulse of the moment, believing himself insulted while in the discharge of a duty, on which by the rules of the service such a thing could not be permitted.

I told Prince Schwarzenberg that we were both officers, and most certainly neither of us had ever employed our sword against an unarmed person in the way it had been used upon the present occasion. He said certainly there had been violence, and what he now said to me was only to explain that there was no nationality appertaining to the affair; and he greatly lamented it had not been arranged upon the spot, which he thought it might have been; but as the thing now stood he must await the result of the judicial inquiry, and I might then depend upon it he would do whatever he was able towards effecting a satisfactory arrangement.

I told the Prince that I felt most anxiously upon this subject, and with no small impatience should await his communication with regard to it. I hope it may not be long delayed.

I have, &c.
(Signed) WESTMORLAND.

No. 17.

Mr. Mather to Earl Granville.—(Received February 26.)

My Lord,

Piazza Maria Antonia,
Florence, February 15, 1852.

IN the "Morning Post" and other London newspapers of the 7th instant, just received here, the Prime Minister, in a statement of my son's case, is represented to have said to the effect that my son having taken steps for redress had superseded your Lordship's instructions to Her Majesty's Chargé d'Affaires here.

This, it is presumed, is an erroneous representation of his Lordship's lucid and high-toned statement; for the only step my son has taken on his own account was to complain of the outrage to Mr. Scarlett, for the purpose of

redress, without presuming to dictate what should be the reparation for this injury and insult to a British subject, or the mode to obtain it.

Her Majesty's *Chargé d'Affaires* then demanded and got appointed the Commission of inquiry now sitting.

I have, &c.
(Signed) JAMES MATHER.

A copy of this communication has been inclosed to Mr. Scarlett.

No. 18.

The Hon. P. C. Scarlett to Earl Granville.—(Received February 26.)

(Extract.)

Florence, February 19, 1852.

WITH reference to your Lordship's despatch of February 13, stating that you were in daily expectation of receiving accounts from me of the result of the inquiry respecting the outrage on Mr. Erskine Mather, I need hardly say that I have not had less anxiety myself to furnish your Lordship with all possible information as soon as it was practicable to do so, and that I have lost no opportunity of urging the Tuscan Government to bring the proceedings, as far as regards their tribunal, to a speedy conclusion.

As I had already acted on my own responsibility before I received your Lordship's despatches of the 8th and 19th of January, I made use of those instructions only to impress on the Tuscan Minister with all the authority of Her Majesty's Government, the serious view taken in England of this case, and the necessity Her Majesty's Government would still be under to demand reparation if any undue influence was now exercised.

It was not without difficulty, as your Lordship will perceive by the accompanying correspondence between the Duke of Casigliano and myself, copies of which I inclose, that I obtained on Sunday last confidentially from the Tuscan Government, the documents which form the result of the inquiry. These voluminous papers had then to be copied, as the originals were forwarded to me by the Minister of Justice; and it is only now that I am able to transmit to your Lordship a copy of these papers, together with an abstract in English which I have had made to save time, and thinking that a full translation of all the documents was not essential.

The contents of these papers are the depositions of nine sworn witnesses, besides the two Mathers, who were present when Lieutenant Forsthüber wounded James Mather on the 19th of December last.

Although I failed in my attempt to induce the Tuscan Government to admit the presence of an advocate for Mather during the proceedings, which practice they inform me is quite contrary to their legal usage, I have reason to believe that the conduct of the inquiry was not only precisely in accordance with the ordinary process of law in this country in the preliminary stages of criminal procedure, but that there was every disposition on the part of the *Procuratore Regio*—a law officer of high character and ability, by whom the evidence was sifted—to elicit the truth impartially.

All the witnesses concur, more or less, in bearing out Mather's statement. None are in contradiction with it; but the most detailed evidence exactly corresponding with his account is that given by Pini. That also given by Minoccheri, and the depositions of the laundress, Elizabetha Poggiali, and of her girl, Adelaide Bonatti, are well worthy of your Lordship's attention.

Perhaps the most important evidence is that of Pini, which exactly corroborates Mather's statement, and certainly there is not a single syllable from first to last at variance with it.

The power of the Tuscan tribunal here ceases; for the open court into which the case would now naturally be transferred, is not competent to judge an Austrian soldier in Tuscany, he being amenable only to the military laws and jurisdiction of the army in which he serves. In consequence, a similar copy of these proceedings has been laid by Prince de Liechtenstein before Marshal Radetzky, and they will doubtless be submitted by the Marshal to the Cabinet of Vienna.

Your Lordship will observe that no Austrian soldiers have been examined

before the Tuscan tribunal. Many of them, however, as I am informed, have made their depositions before the Austrian authorities at Florence; and the Austrian General assures me that their evidence is in favour of their own officer, and goes to prove that Mather menaced.

Prince de Liechtenstein told me privately last night, that he believed it would turn out that the officer who interfered, not being on duty, and caused the officer in command of the troops to act under the belief that he was menaced, will probably be punished; but he doubts very much if an Austrian court-martial will condemn Lieutenant Forsthüser on the evidence adduced.

I have seen on several occasions Mr. Mather's father, who brought me a letter from your Lordship. He placed himself in communication with M. Salvagnoli soon after his arrival in Florence; but there has not been any occasion for that gentleman's professional services.

Inclosure 1 in No. 18.

The Hon. P. C. Scarlett to the Duke de Casigliano.

Florence, le 12 Février, 1852.

JE suis toujours fâché de vous tourmenter, mais puisque vous avez déjà fait part du résultat de l'enquête dans l'affaire Mather au Prince de Liechtenstein en lui envoyant une copie des dépositions des témoins, il est de mon devoir de vous en demander une copie pour moi-même, sans plus de délai.

Agréer, &c.

(Signé)

P. CAMPBELL SCARLETT.

(Translation.)

Florence, February 12, 1852.

I AM always sorry to trouble you, but as you have already communicated to Prince Liechtenstein the result of the inquiry in the Mather affair, by sending to him a copy of the depositions of the witnesses, it is my duty to request of you a copy for myself without further delay.

Receive, &c.

(Signed)

P. CAMPBELL SCARLETT.

Inclosure 2 in No. 18.

The Duc de Casigliano to the Hon. P. C. Scarlett.

Florence, ce 14 Février.

JE dois répondre à deux billets de votre part qui me sont parvenus pendant mon indisposition. Quant au second qui a rapport aux nouveaux témoignages que vous proposez de recueillir dans l'affaire Mather, j'apprends par mon collègue le Ministre de Grâce et Justice, qu'il vous a donné une réponse catégorique à ce sujet, et que la déposition de Mr. Mather avait été préalablement entendue.

Relativement au premier billet je dois vous faire remarquer, que la communication faite au Prince Liechtenstein des précis en question n'avait d'autre but que celui d'éclaircir les faits dans une affaire qui regarde un officier Autrichien, et qui est entièrement du ressort de l'autorité militaire Autrichienne. Par conséquent le Gouvernement Toscan ne saurait point trouver d'analogie entre cette communication et celle que vous demandez au nom de la Légation, dont vous êtes le chef. Je ne saurais d'ailleurs m'abstenir d'observer que l'affaire a perdu une grande partie de son importance par les interpellations qui ont déjà eu lieu dans le Parlement Britannique.

Malgré ces considérations je suis heureux de pouvoir vous signifier que par les égards qui sont dûs au Gouvernement dont vous êtes le Représentant, et à votre propre personne, si justement appréciée parmi nous, il n'y aura point d'obstacle à vous donner communication des pièces en question, et qu'elles seront portées à votre connaissance par le Ministre de Grâce et Justice, où elles se trouvent, toutes les fois que vous désirerez les examiner, en ajoutant cependant que ces pièces ne sont point et ne peuvent pas être un procès complet, mais seulement une série des dépositions destinées à la vérification matérielle des faits.

Agrérez, &c.
(Signé) LE DUC DE CASIGLIANO.

(Translation.)

Florence, February 14, 1852.

I MUST reply to two notes from you, which have reached me during my illness. As regards the second, which relates to the further evidence which you propose to take in the Mather affair, I learn from my colleague the Minister of Grace and Justice, that he has given you a categorical answer on that matter, and that Mr. Mather's deposition had been previously heard.

With regard to the first note I must observe to you, that the communication made to Prince Liechtenstein of the depositions in question, had no other object than that of throwing light upon the facts in an affair which concerns an Austrian officer, and which is entirely within the jurisdiction of the Austrian military authority. Consequently, the Tuscan Government can discover no analogy between that communication and that which you request in the name of the Mission of which you are the head. I cannot, moreover, abstain from remarking, that the matter has lost a great part of its importance from the discussions which have already taken place in the British Parliament.

Notwithstanding these considerations I am happy to be able to announce to you, that out of regard for the Government of which you are the Representative, and for yourself, who are so justly esteemed by us, there will be no obstacle to communicating to you the documents in question, and that they will be communicated to you by the Minister of Grace and Justice, with whom they are deposited, as often as you desire to examine them; adding, however, that those documents are not and cannot be a complete judicial proceeding, but only a series of depositions intended for the mere verification of facts.

Receive, &c.
(Signed) THE DUKE OF CASIGLIANO.

Inclosure 3 in No. 18.

The Hon. P. C. Scarlett to the Duc de Casigliano.

Florence, ce 15 Février, 1852.

JE vous remercie infiniment de la permission que vous venez de m'accorder dans votre réponse d'hier à ma demande d'avoir communication des dépositions des témoins dans l'affaire Mather. Je suis très sensible aussi aux obligeantes expressions envers moi-même dont vous avez bien voulu vous servir. Par la bonté du Ministre de la Justice, j'ai déjà reçu les documents que vous m'avez cédés confidentiellement, quoique je n'ai eu encore le tems de les examiner.

Quant à l'observation dans votre lettre, que l'affaire a perdu une grande partie de son importance depuis les interpellations qui ont déjà eu lieu dans le Parlement Britannique, je conçois que vous ne soyez pas encore bien informé des véritables paroles dont Lord John Russell s'est servi dans cette occasion.

Pour vous en éclaircir je m'empresse de vous remettre un journal Anglais qui contient ce discours en détail, par lequel vous reconnaîtrez que sa Seigneurie n'a pas hésité de déclarer que Mr. Mather ait le droit de réclamer et d'obtenir réparation pour l'outrage qu'il a reçu.

Agrérez, &c.
(Signé) P. CAMPBELL SCARLETT.

(Translation.)

Florence, February 15, 1852.

I THANK you exceedingly for the permission which you have granted me in your reply of yesterday's date to my request that the depositions of the witnesses in the Mather affair should be communicated to me. I am also very sensible of the obliging expressions towards myself which you have had the goodness to make use of. By the kindness of the Minister of Justice I have already received the documents which you have granted to me confidentially, although I have not yet had time to examine them.

As regards the observation in your letter, that the affair has lost a great part of its importance since the discussions which have taken place in the British Parliament, I imagine that you are not yet fully informed of the exact words used by Lord John Russell on that occasion.

In order to enlighten you on that point I send you an English paper containing that speech at length, from which you will perceive that his Lordship did not hesitate to declare that Mr. Mather was entitled to claim and obtain reparation for the outrage which he has sustained.

Receive, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure 4 in No. 18.

An Abstract of the Papers having reference to the Judicial inquiry instituted into the case of Mr. Mather.

M. PAOLI, attorney of Florence, writes to report to the Attorney-General the execution of his orders with respect to Mather, and incloses the examinations. A list of the witnesses is next given; then follows the examination of *Ferdinando Rossi*, who speaks only to having seen a young man bleeding from the head, and to having been informed that the wound was inflicted by an Austrian. Being asked if he had not told some gendarmes that he had been an actual spectator of the fact, he declared that this was a mistake.

Senator Vai examined.—Was looking out of his window when the outrage occurred. Saw a young man standing in the middle of the street. The officer in command of the troops made a sign to him to retire, which he immediately did under the window. Heard a rapid exchange of words which were not intelligible; at the same time an officer inflicted a sabre-cut on the young man's forehead; thinks it was not the officer in command who gave the blow, because his sword was not drawn.

Pasquale Meoni, coachman, examined.—Remembers the unpleasant fact; saw some blood, and was informed that an officer had inflicted a blow on an Englishman. Being asked if he had not witnessed the occurrence, he replied in the negative.

Thomas Mather next examined.—(This witness's testimony is already known.)

Vincenzo Bianchelli, wood-merchant, examined.—Saw a crowd, and went to the door of his shop to ask the reason; was informed that an Austrian officer had wounded a young man, from whose head blood was flowing. Heard that the young man, who was a foreigner, had pushed against another officer, and that the officer in command of the troops had inflicted a sabre-cut.

Elizabeth Poggiali, washerwoman, examined.—Was walking along the street with one of her girls; the street was so narrow that they could hardly move along. A young man before her was pushed against the officer in command of the troops, who immediately, without saying a word, cut him through the hat. The young man fell backwards; she supported him and took him to the nearest chemist. Saw no other officer insult the young man; heard no words. The young man in no way insulted the officer who struck him.

January 7.

The next sheet contains a letter from *M. Bicchieri* to the Attorney-General, stating that, after what has taken place between the Ministry for Foreign Affairs and the British Legation, he will take measures to secure the strictest examination of the facts of the case, and report the same.

December 29.

Next follows a letter from the delegate for the Porta S. Giovanni, stating that Mather's life being supposed to be in danger, he has caused him to be examined in the hospital.

The Sergeant of Gendarmes reports: 1st. That *Mather* having pushed against an Austrian officer, was cut down by him, and carried to the hospital. 2ndly. That having arrived at the hospital, *Mather's* life was considered out of danger.

Then follows the deposition of *Mather* himself, the details of which are sufficiently well known. Next in succession are the reports of the hospital authorities.

January 9.

Serjeant-Major Galliani gives in the names of certain witnesses.

January 17.

M. Danesi writes to the Attorney-General, announcing the execution of his commission, and inclosing the result.

January 19.

M. Paoli writes to the Attorney-General, to say that witnesses have been examined; that *Rossi* and *Meoni* only speak generally to the fact, but that Senator *Vai* did see the occurrence, and that the brother (*Mather*) corroborated *Mather's* own account of the transaction.

January 27.

M. Paoli writes to the Attorney-General, that, having heard of three witnesses, he caused them to be examined.

Giuseppe Catani, priest, examined.—Was in the crowd near the band; placed himself close under Senator *Vai's* house, in order to let the soldiers go by. On turning round saw a young man bleeding from the head; was told that he had been cut down by the officer in command; supposes the act was instantaneous, for he was one of those nearest to the officer, and heard no words pass; cannot understand how it was he did not see the blow given; believes that had it not been for the hat, *Mather* would have been killed: saw nothing else.

Giovanni Pini examined.—Was between the band and the soldiers. There was a great pressure; saw an Austrian officer, at that moment not in command, give with his left-hand a blow to a young man: the young man staggered; on recovering a little, saw the officer in command, whose sword was drawn, strike him with force on the forehead, from which blood flowed plentifully; went with the young man to the hospital. Being asked if he saw the young man insult the officer, he said he could not see that he annoyed him in any way, but from the great pressure it was possible he might have touched one of the two officers.

Luigi Minoccheri examined.—Was in the crowd, a donkey-cart was standing in the narrow part of the street; saw the band and people pass; observed a young man endeavour to push aside the cart, in order to keep on with the crowd. At this moment saw the arm of an Austrian officer inflict a blow in the young man's face, and almost at the same time saw the sword of the officer in command raised: cannot say if the same person gave the blow with the fist and the sabre-cut. There appeared, however, to be two officers. Cannot comprehend such barbarous proceedings, for it was impossible not to press against the soldiers.

Adelaide Bonatti (washerwoman) examined. Saw the donkey-cart; all tried to get past; a young man was pushed against the officer in command, who hardly felt himself touched, when he gave a severe cut on the head to the young man.

Being asked if she did not see another officer, she said, "No, if she had not been immediately close upon the young man, could not have seen what she did see, for the thing was instantaneous, and the troops continued their march."

Being further asked if the young man insulted the officer, she said, "No, sir; he neither spoke with him or with others. He pressed against the officer because he could not avoid doing so, and what happened to him might have happened equally well to my mistress or myself."

Inclosore 5 io No. 18.

Atti Criminali contro un Ufficiale Austriaco pel ferimento sofferto da Giacomo Erakine Mather, fino al dì 11 febbrajo, 1852.

Uffizio del Ro. Procuratore di Firenze,
11 febbrajo, 1852.
Illustrissimo Signore Padrone Colendissimo.

AVENDO fatto eseguire quanto Vossignoria Illustrissima mi commette con la di lei ministeriale circa il ferimento dell' Inglese Mather, le compiego gli esami richiesti.

Ho l'onore, &c.

(Firmato)

B. PAOLI.

Sig. Cav. Ro. Procuratore-Generale alla R. Corte di Firenze.

Ro. Procuratore di Firenze.

Atti Criminali contro un ufficiale Austriaco per ferimento.

Lista di testimonj nell' affare riguardante Giacomo Mather :

Giacomo Erskine Mather, Piazza Maria Antonia, No. 1205.

Tommaso Mackenzie Mather, Piazza Maria Antonia, No. 1205.

Minoccheri, Albergatore, Fuori Porta S. Gallo.

Giovanni Pini, Via Rosina, No. 5083.

Revdo. Giuseppe Catani, Via della Colonna, Casa Jacopucci.

Signor Vai, Casa Vai, Piazza del Duomo.

Giuseppe Banchelli, Negoziante di legna, Via dei Martelli.

Elisabetta Poggiali, Stiratrice, abitante sul Prato, 3498.

Pretura Civile e Criminali del Quartiere San Giovanni in Firenze.

A dì 14 Gennajo, 1852, per dare esecuzione ad una rogatoria dell' uffizio del Regio Procuratore presso il Tribunale di Prima Istanza di questa città del 10 Gennajo stante, ed al quale oggetto venivano con detta rogatoria rimesse a questa Pretura alcune carte relative ad un ferimento avvenuto nel 29 Decembre ultimo decorso sulla persona del giovane Inglese Mather, comp. personalme. avant. cit. Ferdinando, come disse, del fu Gaspero Rossi, di anni 52, ammogliato con tre figli, negoziante di carrozze e valigajo, nato e dom. in Firenze, testimone, cui deferito il giuramento, che prese nelle forme legali sopra l'immagine di Gesù crocifisso in rilievo, monito e cerziorato, fu

D. Se sappia o s'immagini il motivo del suo esame?—R. Suppongo che vorrà esaminarmi per quel fatto che successe in Via dei Martelli, di faccia a bottega mia in uno degli ultimi giorni del passato anno 1851.

D. Di qual fatto intenda parlare?—R. Una mattina degli ultimi giorni del decorso anno, come gli diceva, senza che mi rammenti dell'epoca precisa, fra il mezzogiorno e il tocco, mentre io me ne stavo nell'interno della mia bottega, e presso il mio banco collo scaldino in mano, ed anche col mio ferrajo indosso, perchè poco prima ero stato per circa dieci giorni incomodato, ed ero tuttora in convalescenza, vidi secondo il solito passare davanti alla mia bottega medesima situata come avvertivo di sopra in Via dei Martelli, la banda Austriaca, che suonava, e dietro di essa alcuni soldati, parimente Austriaci, armati andando tutti in direzione della Piazza del Duomo, e provenienti dalla parte di Via Larga. Siccome in cotesta ora tutti i giorni passano gli Austriaci per andare a mutare le guardie ai posti rispettivi, io non me ne feci caso, e non mi mossi dal mio posto tanto più che ero in quel modo malescento. Ma dopo che gli Austriaci furono passati avendo sulla strada, sempre dirimpetto alla mia bottega, veduto un gruppetto di persone riunite, natami curiosità di sapere cosa fosse successo, mi alzai da sedere, e fattomi alla soglia della mia bottega, osservai un giovane, a me incognito, che filava sangue dalla fronte e giù giù fino al naso, quale veniva sostenuto in piedi da due più che altro che gli stavano appresso, e che io pure non conobbi. Sul momento supposi che fosse caduto le che si fosse in quel modo malconcio battendo il capo in terra, o sul marciapiede che è lì sotto il Palazzo Marchesini, dove appunto tal giovane ferito con quelli che lo soccorrevano si ritrovava, ma poi seppi ad una voce da tutte

e genti, senza che però io possa nominare alcuno, perchè nessuno vidi di mia conoscenza, che quel giovane aveva avuto una squadrone da un ufficiale Austriaco che non fu nominato; e siccome a me premeva di riguardare la mia salute, me ne tornai al mio posto in bottega, e non stetti a domandare la causa per cui questo Austriaco avesse dato la squadrone, e non so niente neppure ora perchè guardo ai fatti miei nè mi occupo di quelli degli altri, e fuori di questo non posso dirle altro.

D. Se veramente le test. non sia informato del fatto di cui ha tenuto superiormente proposito in un modo migliore di quello che ha detto?—*R.* Proprio.

D. Che procuri di richiamare la sua memoria ad una maggiore attenzione, poichè verrebbe supposto al tribunale con un rapporto del sergente-maggiore della Imperiale e Reale Gendarmeria addetta al servizio di questo quartiere di S. Giovanni, che le test. sia informato dell'avvenimento surriferito con tutte le circostanze, per essersi trovato spettatore di esso, però?—*R.* Cotesto è uno sbaglio sicuramente, perchè io non posso dire più di quello che gli ho raccontato di sopra, ed è tanto vero ciò che allorquando vennero a interpellarmi a bottega alcuni addetti alla Gendarmeria, che non so chi fossero, gli dissi l'istesse cose che ho dette a lei, e sarebbe cosa del tutto indifferente per me il narrare qualche cosa di più, quando veramente avessi veduto e ne fossi in altro modo informato.

Monito disse e previa lett. ratif. e firma, fu licenziato.

(Firmato)

FERDINANDO ROSSI.

T. FERRATI, *Pret.*

G. DANESI.

A dì 16 Gennajo, 1852, comp. personalm., avant. invit., l'Illustrissimo Signore Cavaliere Senatore Giuseppe, del fu Luigi Voi, di anni 47, vedovo con figlio, possidente, nato a Prato e dom. in Firenze, test. da sentirsi cui deferito il giuramento, che prese nelle forme legali sopra l'immagine di Gesù crocifisso in rilievo monito cerziorato, fu

D. Se sappia o s'immagini il motivo del suo esame?—*R.* No.

D. Se tenga memoria di essersi non molto tempo indietro trovato testimone oculare di un fatto avvenuto in questa città in Via dei Martelli, fra un paesano ed un ufficiale o ufficiali Austriaci?—*R.* Mi trovai a vedere un fatto ed ecco cosa posso dire in proposito del medesimo. Circa quindici giorni indietro, poco più, poco meno, non ricordandomi bene dell'epoca precisa, una mattina circa a mezzogiorno o poco dopo avendo sentito, mentre stavo in casa occupato al mio tavolino, che suonava la banda, e che passava come è costume di tutte o molte delle mattine, quando le truppe Austriache vanno a variare i posti delle guardie, mi venne fatto di affacciarmi ad una finestra di detta mia casa corrispondente in Via dei Martelli, e quando io mi feci alla finestra, la banda era proprio sotto la detta mia casa, e la truppa armata che la succedeva sarà stata pochi passi più giù. Alla testa della truppa vi era un ufficiale, non saprei di che grado perchè non notai ciò, dell'età intanto si quarant'anni, che io però non riconosceri, e poichè in mezzo alla via vi era un giovane fermo, osservai che detto ufficiale gli fece cenno colla mano manca ossia dalla mano che non imbrandiva la spada di ritirarsi da parte, e forse anche lo toccò un poco. Il detto giovane, che non so chi sia, e che poi per pubblica voce ho inteso dire essere un Inglese, che non riconosceri non avendo presente bene la sua fisionomia, si ritirò subito fra le estremità della casa mia quella Marchesini, ma se mai più sotto questa ultima, e nel medesimo tempo intesi che passò fra loro un rapido cambio di poche parole che non capii perchè rimanevo ad una elevezza da non poterle udire, ed anche perchè la banda faceva del rumore, e contemporaneamente vidi che il detto ufficiale alzando la sua sciabola dette a quel giovane un colpo sulla fronte colla sciabola adoprata per taglio, per cui esso cadde in terra sul marciapiede accanto al muro della Casa Marchesini, ma quasi in un baleno si rialzò, e quando fu ritto vidi che grondava sangue dal posto colpito, e suppongo che quella sciabolata gli avesse prodotto una ferita; avvertendo che allorquando il nominato ufficiale dette il colpo come sopra; aveva presso di se altro ufficiale parimente Austriaco, che non so di dove provenisse, ma che credo in quel momento non fosse al comando di quei soldati, perchè non aveva la sciabola sguainata. Questo fatto siccome mi fece una cattiva impressione mi ritirai dalla finestra, ma intesi dire poi più a

tardi, non mi ricordo da chi, che era stato in grado di andare da per se allo spedale, sicchè non posso dirle se altro succedesse posteriormente, nè sono informato d'altro relativamente a tale avvenimento.

D. Se lui Sig. test. avesse occasione di vedere in tal riscontro alcuno di sua conoscenza spettatore all'avvenimento sopra enunciato?—R. Delle genti tanto sulla strada che alle finestre di fronte alle mie, cioè, dalla parte opposto della mia casa, ve n'erano sicuramente, ma io non feci attenzione se alcuno di mia conoscenza vi si trovasse, e poi mi sarebbe quasi mancato il tempo perchè la cosa fu rapidissima, mentre nè la banda nè i soldati nonostante questo successo arrestarono la loro marcia, e l'ufficiale non si allontanò dal suo comando minimamente, e per colpire il giovane non fece altro che muovere un passo o due, ed allungare il braccio, nel quale imbrandiva la spada.

Monito disse e previa lett. ratif. e firma, è stato licenziato.

(Firmato)

GIUSEPPE VAI.
T. FERRATI, Pret.
G. DANESI.

A dì 16 Gennaio, 1852, comp. personalm., avant cit., Agostino, come disse, del fu Pasquale Meoni, di anni 40, conjugato con figli, nativo di Montevarchi, e domo in Firenze, di condizione cocchiere, test. cui deferito il giuramento, che prese nelle forme legali, monito coertorato, fu

D. Se sappia o s'immagini il motivo del suo esame?—R. No, Signore, se non me lo dicono.

D. Se abbia ricordanza di essersi non molto tempo indietro trovato spettatore di un fatto disgustoso avvenuto in Via dei Martelli, fra uno o più uffiziali Austriaci da una parte, ed un paesano dall'altra?—R. Circa a quindici giorni indietro, non ricordandomi bene dell'epoca precisa, fra il mezzogiorno e il tocco, mentre ero in casa del Signor Settimio Modigliani, situata in Via dei Martelli, a far colazione, essendo detto Signor Modigliani mio padrone, dopo che fu passata la banda dei Tedeschi che va colla truppa a mutare la guardia, e che sento passare quasi tutte le mattine, sortii di casa, ed avendo osservato sulla strada dalla parte opposta e precisamente di fronto allo stabile Marchesini del sangue fresco, avendo preso a domandare a diversa gente che ragionava su questo sangue cosa era successo, potei capire nell' insieme del racconto raccolto a pezzi e bocconi, che un ufficiale Austriaco nel passare che aveva fatto poco prima colla truppa preceduta dalla banda, come sopra ho detto, aveva data una sciaiolata ad un Inglese, ma trattandosi di due forestieri non potevan dire nè so perciò chi sia l'ufficiale e chi sia cotesto Inglese, e compresi sempre per quello che sentii raccontare da dette genti, che l'Inglese era stato ferito con quella sciaiolata nella testa, e che aveva lasciato lì sulla strada quel sangue. Siccome poi non era più lì l'Inglese supposto ferito nè sono informato ove lo avessero condotto, ed avendo da attendere ai miei interessi, mi allontanai, e questo è tutto quello che potevo dirgli in proposito a tal fatto al quale però, come ho avvertito non ero presente, e non so altro.

D. Se sappia o sia informato almeno chi si trovasse veramente testimone di vista al fatto che sopra.—R. Chi si trovasse presente quando proprio avvenne cotesto fatto non lo so, e non so dirgli neppure da chi io lo intendessi a narrare in quella occasione, perchè quelle genti che ne parlavano e dalle quali io ne venni in cognizione erano a me tutte sconosciute.

D. Se veramente le test. non fosse presente all' avvenimento del quale ha fatto parola.—R. Sicuramente.

D. Che procuri di meglio riflettere onde dar luogo al vero, poichè verrebbe al tribunale rappresentato con un rapporto della Imperiale e Reale Gendarmeria del 9 Gennaio andante, che l'esam. sia uno dei testimoni oculari e presenti allo avvenimento di che si tratta; pero.—R. Cotesto è uno sbaglio, ed una volta che ho giurato di dire la verità, sono incapace di dire quello che non è. Gli ripeto dunque, che io non mi trovai presente a cotesto fatto, e ne sono soltanto informato nel modo che gli ho detto di sopra.

Monito disse e previa lett. ratif. e firma, fu licenziato.

(Firmato)

AGOSTINO MEONI.
T. FERRATI, Pret.
G. DANESI.

A dì 17 Gennaio, 1852, comp. personalm., avant. intim., il Signor Tommaso Mather, Inglese, quale dimostrando di non sapere parlare in altro idioma che in quello della sua nazione, fu fatto venire, dopo un competente spazio di tempo, e cost. personalm. avant. il Signor Lorenzo Ciatti, di anni 33, asserto pratico ed intendente della lingua Inglese non che della Italiana, per l'oggetto di esaminare per mezzo suo il prefato Signor Mather, che però fu ordinato allo stesso Signor Ciatti che fedelmente riporti al mentovato Mather tuttocì che da me infrascritto sarà incaricato di domandargli, e ricevuta da esso la opportuna risposta in lingua Inglese, quella referisca a me infrascritto medesimo con tutta fedeltà in idioma Italiano, il che promise eseguire previa cerziorazione, ammonizione e giuramento deferito ad ambedue che separatamente presero il Signor Mather sopra il Vangelo, per aver fatto intendere per mezzo del Signor Interprete di essere Protestante, ed il Signor Ciatti sopra Gesù crocifisso in rilicvo. Dopo di che interrogato per mezzo di detto Signore Interprete, gli fu

D. Del suo nome, cognome, età, patria ed esercizio.

Ed essendogli stata avanzata per mezzo di detto interprete come asserì la suddetta domanda, ha referito aver gli risposto in lingua Inglese, riportandola in Italiano come appresso.

Io sono Tommaso Mackenzie Mather, figlio di Giacomo, ho l'età di anni 17 che compisco il venti di questo mese, sono scapolo, sono possidente e viaggiatore per diporto, e sono nativo e dimorante a Westae, South Shields, Durham.

Interrogato come sopra se sappia o s'immagini il motivo del duo esame.

R. (Per quanto asserì detto Signor Interprete) suppongo di essere chiamato per dare evidenza di un fatto pochi giorni iadietro accaduto al mio fratello Giacomo Erskine.

D. Come sopra che narri con ogni precisione e con tutte le più minute particolarità, il fatto del quale intende parlare?—R. (Per quanto asserì detto Sig. Interprete) circa le ore undici e mezzo della mattina del 29 Dicembre ultimo decorso, io e mio fratello ci si tratteneva sulla Piazza di S. Marco per sentire suonare la banda Austriaca che era in procinto di suonare e di muoversi, ma po vedendo che non cominciava a suonare ci si diresse verso la Via Larga per andare a far colazione ad un caffè sulla Piazza del Duomo. Quando fummo verso la metà di detta Via Larga avendo inteso che la banda suonava, e che si era mossa alla nostra direzione, ci formammo perchè ci raggiungesse. Raggiunti che si ebbe la proseguimmo stando a maao dritta della banda stessa, e precisamente fra la banda ed i soldati Austriaci armati che la seguivano, e se mai più presso i soldati che presso la banda. Arrivati in Via dei Martelli, ove la strada si fa tanto stretta che i soldati diverse volte tanto a me che a mio fratello pestavano i piedi, quando se ne fu trascorsa circa a due terzi, e che eravamo conseguentemente prossimi a imboccare nella Piazza del Duomo, io invitai detto mio fratello col quale stavo a braccetto a traversare la strada andando, cioè, dalla parte sinistra, e mio fratello avendo a ciò acconsentito separandoci l'uno dall' altro tentammo di passare fra la banda ed i soldati. A me riuscì passare, ma mio fratello non poté fare altrettanto perchè gli venne impedito dall' ufficiale Austriaco che stava alla testa dei detti soldati. Io per altro solo posso dire di avere inteso mio fratello mentre tentava di traversare la via che domandò in lingua Italiana, in un modo freddo e calmo, per qual modo lo avesse colpito, ma non posso dire se veramente lo colpisse, perchè io gli volgero le spalle e non vedevo, come non so neppure se la interrogazione che fece all' ufficiale fosse quella che ho accennato e che soltanto potei immaginare dal modo con cui detto mio fratello si voltò verso l'ufficiale predetto, e perchè poi in seguito mio fratello stesso ha convalidato questa mia supposizione; ma è un fatto certo, che detto mio fratello non si esprime nè si voltò con atti minacciosi di sorta verso il rammentato ufficiale Austriaco, che non so come si chiami perchè era quella la prima volta che io lo vedevo. Comparve in quel momento un altro ufficiale Austriaco che non era in servizio perchè aveva in testa il berretto, ed era come me un semplice viandante, e slanciato dalla parte sinistra della strada, ove io ero passato, addosso a mio fratello, gli dette un pugno di punta sulla faccia e precisamente sul naso, e quindi si ritirò immediatamente al suo posto o mio fratello avendo fatto per l'urto ricevuto qualche passo indietro dalla parte opposta alla mia, il primo ufficiale colla spada sguainata che teneva dalla mano dritta, gli lasciò andare un colpo dalla parte del taglio sulla testa, e precisamente sulla fronte al seguito del quale gli produsse una ferita trasversale, ma devo avvertire che io viddi questa ferita dalla quale veniva sangue in abbondanza solo

quando si cavò il cappello di capo, lo che fece immediatamente, ed osservai in pari tempo che detto capelli che era di questi così detti alla pagliaccia, ed assai forte, era rimasto per quel colpo stesso affettato; e devo ancora notare che appena ricevuto il colpo, questo mio fratello fece un balzo all' indietro senza cadere però in terra. La cosa fu assai celero perchè nè la banda nè la truppa arrestarono la loro marcia perlochè l'uffiziale feritore proseguì coi suoi soldati, e noi si rimase lì accerchiati da molte genti che vennero a prestar soccorso al mio fratello che si era appoggiato al muro per ragione della ferita ricevuta, e siccome mi incaricò di raggiungere il detto ufficiale per l'oggetto di poterlo riconoscere all' occorrenza, lo raggiunsi di fatto sulla Piazza del Duomo, ed avendolo bene osservato, posso dire che era di giusta statura e complessione, un poco magro nel viso senza barba, nen mi rammento se aveva i baffi, aveva i capelli castagni chiari per quanto mi pare, era vestito con montura bianca a gonnellino, e se lo rivedessi lo riconoscerei indubitatamente. Dopo ciò tornai immediatamente a soccorrere mio fratello che era sempre nello stesso posto, e siccome era malconcio si condusse alla prima farmacia sulla Piazza del Duomo tenendolo per braccio, e poi allo spedale dove le medicarono e lo misero in letto, ed oggi spero che sortirà sebbene non sia guarito perfettamente.

Interrogato come sopra, se al momento in cui il pre nominato di lui fratello venne offeso e ferito come sopra, vi fossero presenti persone di sua conoscenza. —R. (Per quanto asserì detto Signore Interprete) Persone di mia conoscenza non ne viddi, ma so però che vi sono delle persone rispettabili e ben conosciute in Firenze, che hanno veduto tutto e le cui testimonianze corroborerebbero i fatti che io ho raccontato, e credo che non sarà difficile al Governo di poterli rintracciare.

Interrogato come sopra delle qualità personale di quell' uffiziale che colpì come sopra ha detto, il suo fratello col pugno, e se rivedendolo lo riconoscesse. —R. (Per quanto asserì detto Signore Interprete) Non posso descriverlo, nè punto nè poco perchè lo viddi in quel momento quasi in un baleno, e non lo riconoscerei se lo rivedessi, avvertendo che nè di questo uffiziale nè dell' altro posso dire il grado di cui siano rivestiti, perchè essendo milizia a me non conosciuta, non intendo le differenze dei gradi del loro vestuario, e devo notare che allorquando io e mio fratello si voleva traversare la Via dei Martelli, in detta via, che è molto stretta come ho avvertito, vi era anche molta gente fra la banda ed i soldati come pure dalle parti laterali, perlochè credemmo di non commettere nessuna illegalità col tentare di passare la strada come di fatti riuscì a me.

Monito e previa lett. ratif. e firma tanto per parte del Signor Mather quanto del Signor Ciatti, interprete, furono ambedue licenziati.

(Firmato)

THOMAS MACKENZIE MATHER.

T. FERRATI, Pret.

G. DANESI.

A dì 9 febbrajo, 1852, comp. personalm., avanti cit., Vincenzo, come disse, del fu Giovanni Bancelli, negoziante di legna, di anni 43, ammogliato con un figlio, nato a S. Maria a Coverciano, domiciliato in Firenze, testimone al quale deferito il giuramento, che prese nelle forme legale, monit. o cerz. fu

D. Se sappia o supponga il motivo del suo esame. —R. No.

D. Se qualche tempo indietro si rammenti di essersi trovato spettatore di verun fatto avvenuto in Via dei Martelli in questa città, fra militari Austriaci ed un paesano. —R. Circa un mese e mezzo indietro una mattina verso il mezzo giorno, poco più poco meno, mentre io me ne stavo nella mia bottega, situata in Via dei Martelli, per accedere alla quale bisogna scendere diversi scalini giacchè è una cantina appartenente ai Padri Scolopi che rimane proprio sotto al loro convento, dopo che fu passata la banda Austriaca con i soldati che vanno a montare la guardia come sono soliti passare ed andare sulla Piazza del Granduca tutte le mattine, alzando gli occhi vidi che si era radunato del popolo nella via predetta, per cui uscito fuori e datomi ad interrogare ora all' uno ora all' altro per intendere cosa fosse successo, seppi che un uffiziale e segnatamente quello che comandava i soldati Tedeschi, aveva con una sciabolata ferito un giovane che mi fu indicato sotto il Palazzo Marchesini, o per dir meglio fra il Palazzo Marchesini e il Palazzo Vai, che rimangono dalla parte opposta della mia bottega, ma alquanto più su verso la Piazza del Duomo. Io mi appressai per vedere quel

giovane ferito ed osservai che costui era a me incognito e che versava sangue dalla fronte nella quale aveva una ferita trasversale, ed allora compresi che il racconto fattomi come sopra aveva tutti i caratteri di verità. Poi siccome vidi che intorno a codesto giovane ferito che dissero essere chi un Francese e chi un Inglese, ma un forestiero di certo, vi era chi lo soccorreva, io me ne tornai in bottega mia; ne posso dirli altro intorno a questo fatto perchè per dire di più bisognava che mi ci fossi trovato presente.

D. Se sappia sia almeno informato della cagione che indusse l'ufficiale Austriaco a procedere come sopra verso il mentovato forestiere a lui incognito?—

R. Dissero le genti che interrogai io che codesto forestiere aveva non so come urtato con un altro ufficiale Austriaco, e che quello che era al comando colla spada sfoderata li aveva perciò data una sciabolata, ma se questo sia vero non lo so, nè potrei garantirlo, perchè lo intesi dire da persone tutte a me sconosciute, giacchè di mia relazione non vidi in quel momento nessuno.

D. Se veramente non si trovasse fra gli spettatori dell'avvenimento che sopra?—*R.* Sì, Signore.

D. Che avverta di dire la verità poichè le t. verrebbe dato per presente ed informato dell' avvenimento predetto però?—*R.* Io venni fuori dalla bottega quando già tutto era successo e si assicuri che quello che viddi e che sapevo per averlo inteso dire pubblicamente l'ho raccontato e non so altro.

Monit. e previa lett. ratif. e dichiaraz. di non sapere scrivere, è stato licenziato.

(Firmato)

J. MARCUCCI.
G. DANESI.

A dì 9 febbrajo, 1852, comp. personalm., avant. previa cit., Elisabetta, come disse, del fu Paolo Zardi, moglie di Demetrio Poggiali, di anni 27, stiratora, nata a Bologna e dom. in Firenze, test. cui deferito il giuramento che prese nelle solite legali forme, monita cerziorata, fu

D. Se sappia o s'immagini il motivo del sua esame?—*R.* No, Signore, se non me lo dice.

D. Se sappia o sia informata che in questa città vi sia alcuna strada denominata dei Martelli, e nel caso affermativo, se qualche tempo indietro nella medesima sia avvenuto verun fatto significante e disgustoso fra militari Austriaci e qualche paesano?—*R.* Sì, Signore, so dove è cotesta Via dei Martelli, e mi rammento che qualche tempo indietro mi ritrovai a un fatto quando un ufficiale dette a un giovane.

D. Che narri con tutta precisione, e colle più minute circostanze il fatto che sopra?—*R.* Saranno ora circa a 40 o 50 giorni, che una mattina che non posso precisare poco dopo il mezzogiorno, mentre io per i miei interessi dalla Piazza di Barbano me ne veniva verso quella del Duomo, quando fui in Via Larga sentii suonare la banda militare Austriaca, dietro la quale erano alquanti soldati armati, e guidati da un ufficiale non saprei di qual grado rivestito. Per sentire qualche suonata accelerai un poco il passo, e raggiunto il convoglio mi collocai nel punto ove era il popolo che lo seguiva, e segnatamente fra la banda ed i soldati, rimanendo sempre presso il muro a parte sinistra. Avevo in mia compagnia una mia scoulera, per nome Adelaide, della quale non rammento il cognome, ragazza dell' età di 15 anni circa presso di me sempre reperibile. Siccome la gente che seguiva la banda era molta quando si fu percorsa la via larga, e che si entrò nella Via dei Martelli, che è molto stretta, successe un pigiò di persone perlochè difficilmente si poteva camminare, e liberarsi dagli urti delle persone. Io e la mia scoulera anche in cotesta via ci mantenemmo sempre dalla parte sinistra. Poco prima del finire di questa strada un giovane a me incognito e che m' era d'appresso vidi che ricevè un urto piuttosto forte da altre persone incognite che aveva vicine per cui fu costretto a traballare ed urtare quell' ufficiale che stava come ho detto di sopra al comando dei soldati che erano dietro. Cotesto ufficiale, senza proferire parola, alzò la spada che teneva sfoderata e dette una sciabolata nella testa a detto giovane, e lo colpì proprio sulla fronte affettandogli anche il cappello alla pagliuccia che aveva, e subito principiò a versar molto sangue per una grossa ferita che con detta sciabolata quell' ufficiale gli ci fece. Dopo il colpo questo giovane fece un traballone indietro, ma non cadde perchè io lo vesi, e poi gli presi la pezzuola che lui cavò di tasca e gliel' applicai alla parte ferita in modo che

non versasse sangue, e perchè potesse arrivare alla prossima farmacia sulla Piazza del Duomo a farsela medicare, ed un uomo, che non so chi fosse, alle mie preghiere gliela legò, e lo condusse alla farmacia predetta, e siccome poi vennero tante persone a me incognite a soccorrere quel povero giovane io colla mia scolare seguitai il mio viaggio.

D. Se precedentemente al colpo dato come sopra dal detto ufficiale in servizio, avette lei test. occasione di vedere che altri ufficiali Austriaci offendessero in veruna guisa il detto giovane?—*R.* Non vidi nè avanti nè dopo che altri ufficiali offendessero quel giovane.

D. Se precedentemente al colpo che sopra succedesse almeno fra l'uffiziale feritore ed il detto giovane alcun ricambio di parole, e nel caso affermativo, quali precisamente?—*R.* Io non intesi proferire parole o discorsi di sorta alcuna, e se ciò fosse avvenuto, siccome ero accanto, avrei dovuto sentire, anzi per la verità bisogna che dica che quel giovane non offese in veruna maniera quello ufficiale che lo ferì, nè altri se si eccettua l'urto che casualmente gli dette come ho sopra raccontato, e mi pare anzi sicuramente l'urto ne braccio opposto a quello nel quale imbrandiva la spada, ma si assicuri che non poteva fare a meno di urtarlo.

D. Se dopo il fatto del quale ha parlato abbia inteso dire chi fosse il giovane come sopra ferito?—*R.* Non era Toscano di certo, perchè quando io andetti a soccorrerlo sentii che appena parlava Italiano, e dissero le genti che era un Inglese, ma chi sia con sicurezza non lo so.

D. Delle qualità personali dell'uffiziale Austriaco feritore, e se rivedendolo lo riconoscesse?—*R.* Mi parve un giovane grande, ma siccome su di lui non fermai la mia attenzione tanto più che non fermò la sua marcia neppure per un solo momento, ed io mi trattenni a soccorrere il giovane ferito, così non saprei descriverlo in verun modo, e non lo riconoscerei.

D. Se oltre la rammentata sua scolaria Adelaide si rammenti se altre persone di sua conoscenza si trovassero presenti al fatto suddivisato?—*R.* Delle genti ce n'erano tante, ma io non conobbi nessuno di mia conoscenza.

Monita. disse e previa lett. ratif. e dichiaraz. di non sapere scrivere, è stata licenziata.

(Firmato)

L. MARCUCCI.
G. DANESI.

Illmo. Signore,

Li 7 Gennajo, 1852.

Dietro quanto è stato stabilito fra il Ministro degli Affari Esteri e la Legazione Britannica, occorre che dalle autorità Toscane siano in modo autentico constatati nel modo più preciso possibile i fatti tutti che si riferiscono al ferimento del giovane Inglese Mather, avvenuto il 29 del Dicembre per opera di un ufficiale Austriaco.

Debbo però pregare Vossignoria Illustrissima a volere ordinare che siano assunte in proposito le più esatte ricerche, e a voler quindi compiacersi di trasmettere le relative verificazioni a questo ufficio.

E ritornandole per l'uso che sopra le carte trasmettessi e relative allo stesso fatto ho l'onore di essere, &c.

(Firmato)

P. BICCHIERAJ.

Sig. R. Procuratore di Firenze.

Delegazione di Governo del Quartiere San
Giovanni in Firenze.

Illmo. Signore,

Essendo stato supposto che Giacomo Mather, Inglese, si trovasse jeri costituito in pericolo di vita per ferite riportate da un ufficiale Austriaco, lo feci sentire in esame che le rimetto per quell'uso che crederà di farne, nonostantchè il pericolo non esistesse.

Con l'esame le rimetto pure la copia del rapporto relativo a quel fatto, e con ossequio distinto passo all'onore, &c.

(Firmato)

Sig. Ro. Procurat. al Trib. di 1ma Istanza, Firenze.

Rapporto.

I. e R. Gendarmeria, Delegazione San Giovanni,
Li 29 Dicembre, 1851.

Illmo. Signore,

Alle ore 12 de questa mattina, transitando la Via dei Martelli in direzione del Palazzo Pitti, la guardia degli Austriaci, comandata da un ufficiale, traversava in questo mentre la stessa via il giovane Inglese, Giacomo Erskine Mather, figlio di Giacomo, di anni 21, possidente, il quale investito con urto l'ufficiale stesso, questi collo squadrone di cui era armato, ammenava un colpo al giovane Inglese, producendoli una grave ferita nella regione frontale, che lo costituiva in imminente pericolo di vita. Raccolto dal suolo ove era caduto da alcune officiose persone era trasportato al Regio Arcispedale di S. Maria Nuova, ove poco dopo vi giungeva il ministro di questo tribunale, onde prendere le deposizioni giudiciali del ferito medesimo.

(Firmato) Il Serg. Magg. L. GALLIANI.

Rapporto Aggiuntale.

I. e R. Gendarmeria, Delegazione San Giovanni,
Li 29 Dicembre, 1851.

Illmo. Signore,

Do conto al Tribunale di Vossignoria Illustrissima che essendo pervenuto alla pretura del quartier San Giovanni il referto relativo al ferimento sofferto dal giovane Inglese, Giacomo Erskine Mather, non viene il medesimo dichiarato in pericolo di vita, come il Sottoscritto aveva fatto conoscere nell'altro suo rapporto.

Che quanto, &c.
(Firmato) Il Sergte. Maggiore GALLIANI.

Delegazione di Governo del Quartiere San Giovanni
in Firenze, a di 29 Dicembre, 1851.

Trasferitomi io infrascritto al Regio Arcispedale di S. Maria Nuova ho quivi costituito in esame il ferito Giacomo, come disse, del vivente Giacomo Mather, nativo di Saulse nel nord dell' Inghilterra, di anni 21 circa scapolo, possidente, viaggiatore per diporto.

Deferito al medesimo il giuramento di essere sincero sul Vangelo (per essere Protestante), che toccò con la mano dritta, a mia delazione fu poi

D. Per qual causa si trovi ora giacente in questo letto?—R. Io sono ferito nel capo. Circa le 11½ io sono sortito dalla casa ove abito in Via delle Rote, non saprei nominare il padrone di casa, e unitamente a mio fratello Tommaso, che sta pure meco, e col quale sono in Firenze da circa tre mesi, siamo venuti a riuscire sopra una piazza grande che rimane in vicinanza di quella dell' Annunziata; e credo si chiami San Marco; costì ci erano dei soldati Tedeschi con la banda. Ci siamo trattenuti un poco a vedere e quindi siamo andati sullo Piazza del Duomo. Sentito però gli istrumenti che venivano verso la Piazza stessa, siamo tornati un poco indietro per una strada stretta lì prossima, che non so precisamente come si chiami. Il caso ha fatto che tanto io che mio fratello siamo restati fra la banda e i soldati. Un ufficiale che era a capo di quelli ha trovato forse che noi eramo troppo d'appresso ai soldati, e con la sua sciabola mi ha toccato di piatto sulla spalla. Io voltatomi gli ho domandato in Italiano, in modo appassionato, perchè mi avesse percosso in quel modo, allora un' altro, che non saprei dire se fosse un ufficiale o un comune, ma credo un ufficiale, facendo qualche passo verso di me mi ha dato un colpo di mano nel naso senza dire niente o almeno non ho inteso niente. E nel medesimo tempo quello primo mi ha tirato una sciabolata nel capo e mi ha ferito in questo modo. Poi da quelli che erano presenti al fatto sono stato condotto prima ad una farmacia e quindi a questo o spedale.

D. Se conosca l'ufficiale che dice averlo ferito?—R. Non lo conosco.

D. Se lo avesse in precedenza del fatto veduto?—R. No; io l'ho veduto allora per la prima volta, era non tanto grande, magro, mi pare senza barba, o almeno poca, e non saprei dire se fosse capitano o tenente, era monturato di bianco, ma non saprei dire di che reggimento fosse, se lo derivasse però lo

riconoscerei; quello poi che mi ha dato la manata nel naso era più grande, ma questò non saprei riconoscerlo.

D. Se lui e sanz abbia in verun modo offeso quell'uffiziale?—R. E possibile che lo abbia toccato nel camminare, ma io non me ne sono accorto, ed an i credo assolutamente di no.

D. Se sappia indicare chi sinsi trovato presente a questo fatto?—R. Ci era mio fratello, e molte altre persone che non ho conosciuto, ma che forse mio fratello potrebbe nominare.

Monito sent. confermò, e si firmò, ed io mi licenziai.

(Firmato) JAMES ERSKINE MATHER.
Pel delegato. impto. TRIZA, Cr.

A dì 29 Dicembre, 1851, a ore 12 e $\frac{1}{2}$ meridiane di questo giorno, è rimasto in questo Arcispedale, Erskine Mather, Inglese, di Saulh Shickas, d'ann 21, possidente, per esser curato di una ferita a taglio interessanti tutte le parti molli del cranio e il tavolato esterno dell'osso situato nella regione frontale, obliqua dall'alto al basso dall'indietro all'infuori, estesa circa tre pollici che parte in vicinanza della parte media della fronte, e va a terminare al sopracciglio dell'occhio destro. Tal ferita la giudico prodotta da strumento tagliente; per adesso non presenta pericolo di vita, riserbandomi però.

(Firmato) Dr. MASSIMILIANO CARTEI.

L'Ajuto Infermiere
GIANI.

A dì 17 Gennaio, 1852, il Signor Dottor Massimiliano Cartei, che al seguito di preventivo avviso fattogli pervenire per mezzo dell'Illustrissimo Signor Consigliere Commissario Regio dell'Imperiale e Reale Arcispedale di Santa Maria Nuova di questa città, cui è addetto in qualità di chirurgo di medicheria, previo giuramento deferitogli, e da esso preso nelle forme legali, ha dichiarato dopo essergli stato letto e reso ostensibile a pincimento, di riconoscere il presente referto dal suo contenuto non solo, quanto anche dal suo carattere e firma apposta in piè del medesimo, e di ratificarlo perciò e confermarlo in tutte le sue parti, soggiungendo di più che la ferita riportata dal Signor Giacomo Erskine Mather cui appella il referto stesso, era da enumerarsi nella classe delle gravi in vista della località, e che sebbene sia certo che il ferito è partito fino di questa mattina dallo spedale, non sa, per non essere altrimenti addetto a tale stabilimento, se sia perfettamente ristabilito, ma che lo suppone per averlo sentito dire ad altri di detto spedale, o perchè sicuro che non essendo sopraggiunte complicanze, la ferita predetta poteva benissimo essere sanabile nello spazio di venti giorni quanti appunto ne sono trascorsi quasi dal giorno in cui fu prodotta a oggi.

Quindi previa lett. ratifica. e firma, è stato licenziato

(Firmato) DR. MASSIMILIANO CARTEI.
FABIO MARCONI, Pr.
G. DANESI.

Rapporto.

I. e R. Gendarmeria, Delegazione San Giovanni,
Ilmo. Signore,
Lú 9 Gennaio, 1852.

Per corrispondere alla comunicazione ricevuta dal tribunale di Vos-signorìa Illustrissima devo referire che per stabilire con precisione il vero andamento del ferimento verificatosi la mattina del 29 Dicembre ultimo perduto a danno e nella persona del giovane Inglese, Giacomo Mather, per opera di un Signor uffiziale Austriaco, potranno sentirsi i testimoni oculari Signor Senatore Giuseppe Vai di Prato, Agostino Meoni, cocchiere, dimorante in Borgo la Noce, ed attualmente al servizio in Via dei Martelli, e Ferdinando Rossi, valigiaio nella medesima via, avvertendo che quest'ultimi potranno occorrendo nominare altre persone che si trovarono presenti al fatto in discorso.

(Firmato) Il Sergte. Magge. L. GALLIANI.

Presentato all'ufficio del Regio Procuratore di Firenze, dal Sergente-Maggiore Galliani, il quale appose la sua firma, e fu licenziato,
(Firmato)

L. GALLIANI.
CHELUZZI, Cr.

Dalla Pretura del Quartiere San Giovanni di Firenze,
Li 17 Gennajo, 1852.

Illmo. Signore,

Avendo fatto eseguire quanto Vossignoria Illustrissima mi commetteva con la di lei ministeriale del dì 10 Gennajo stante, sul conto del ferito Giacomo Mather, le compiego le accluse carte riguardanti una tale esecuzione.

Ho l'onore, &c.
(Firmato) G. DANESI.

Sig. R. Procuratore presso il Tribunale di Prima Istanza di Firenze.

Firenze, dall' ufficio del Ro. Procuratore,
Li 19 Gennajo, 1852.

Illmo. Signore,

Incaricata la gendarmeria a sfogo della pregiata ufficiale di Vossignoria Illustrissima de' 7 corrente, di iodicare all' ufficio testimoni, i quali potessero narrare con la possibile esattezza, tutte le circostanze del ferimento patito nella mattina del 29 del decorso mese di Dicembre, dall' Inglese Giacomo Mather, per opera di un ufficiale Austriaco; essa mi presento un rapporto, nel quale si nominavano al surriferito scopo Agostino Meoni e Ferdinando Rossi, il primo cocchiere, ed il secondo valigiaio, dimorante in Via dei Martelli, dove appunto accadde il ferimento, ed il Senatore Giuseppe Vai di Prato, che vi si era trovato presente.

Però nè il Rossi, nè il Meoni, quantunque informati in genere del fatto, hanno potuto dichiarare le circostanze precise; e solo il Signor Senator Vai ha narrato, di aver veduto, che, passata la banda Austriaca, un giovane era fermo in mezzo della via, per la quale marciava la guardia coll' ufficiale in testa; che questi fece cenno con la mano sinistra a quel giovane di ritirarsi, forse toccandolo anche nella persona, e che il giovane si ritirò subito, e ritirandosi cambiò rapidamente con l'uffiziale alcune parole, in seguito delle quali l'uffiziale, alzando la sciabola, lo colpì nella fronte.

Anche il fratello del ferito, il quale era con lui nel luogo dell' avvenimento, è stato udito in esame; e le sue dichiarazioni sono in sostanza conformi a quelle del ferito stesso, ricevute dal Delegato; ed ammettono in conseguenza, che tra Giacomo Mather e l'uffiziale fosse un alterco di parole per essere stato il primo di loro invitato e spinto dal secondo a ritirarsi dal mezzo della via, escludendo però, che l'Inglese offendesse con vie di fatto l'Austriaco.

Tali sono le resultanze che è stato dato di poter raccogliere dai testimoni indicati dalla gendarmeria, la quale mi riferisce non esserle riuscito possibile di conoscere altri, i quali, oltre all' esser presenti al fatto, vi rivolgessero tale attenzione da potere manifestarne le più minute circostanze, e in specie quella importante, se l'Inglese offendesse o minacciasse di vie di fatto l'uffiziale Tedesco.

Ho l'onore, &c.
(Firmato) B. PAOLI.

Sig. Cav. Ro. Proc. Gle. alla Corte Ra. di Firenze.

Firenze, dall' Ufficio del Ro. Procuratore,
li 27 Gennajo, 1852.

Illmo. Signore,

Essendo venuto in cognizione che tre individui potessero essere utilmente uditi come testimoni relativamente al ferimento sofferto in Via dei Martelli, dall' Inglese Mather, per opera di un ufficiale Austriaco, ho fatti esaminare gli individui medesimi e qui unite le compiego le loro dichiarazioni.

Mi pregio, &c.
(Firmato) B. PAOLI.

Sig. Cav. Ro. Procuratore-Generale alla Corte Ra. di Firenze.

Dalla Pretura del Quartiere S. Giovanni di Firenze,
il 26 Gennaio, 1852.

Illustrissimo Signore,

Avendo fatto eseguire quanto Vossignoria Illustrissima mi commetteva con la di lei ministeriale del dì 21 Gennaio stante, sul conto del ferito Inglese Mather, le compiego i richiesti esami riguardanti una tale esecuzione.

Ho l'onore, &c.

(Firmato) L. MARCUCCI.

Sig. Ro. Procuratore presso il Tribunale di Pma. Istanza di Firenze.

Pretura Civile e Criminale del Quartiere S. Giovanni in Firenze.

A dì 24 Gennaio, 1852, per dare sfogo ad una ufficiale dell' Ufficio del Regio Procuratore presso il Tribunale di Prima Istanza di questa città, comp. personalm., avant. cit., Giuseppe, come disse, di Francesco Catani, di anni 35, sacerdote, nato e domo. in Firenze, cui previo giuramento, che prese tacto pectore, fu

D. Se sappia o supponga la causa del suo esame?—R. Non avendo altri affari col tribunale, mi dò a credere che dovò essere interrogato intorno ad un fatto successo circa venti giorni indietro in Via dei Martelli, sotto il Palazzo del Senatore Vai, e se su ciò devo essere veramente sentito ecco quel poco che posso dire. Circa l'epoca suddetta, non ricordandomi bene il giorno preciso, una mattina intorno a mezzogiorno, trovandomi sulla Piazza S. Marco, dalla quale si muoveva la banda Austriaca con alcuni soldati de detta arme, che come è solito in tale ora vanno a mutare la guardia, per sentire per diletto una suonata mi misi a seguitare la banda, dimodochè si può dire che io rimaneva fra essa ed i soldati che stavano dietro, e questi soldati avenano alla testa un ufficiale con spada sguainata. Si passò per via larga, e quindi si entrò in Via dei Martelli. Costi, siccome la strada si fa più stretta assai, e la gente che seguitava la banda era molta dimodochè può dirsi per quel punto che ci fosse la folla, io me ne stava dalla parte del Convento degli Scolopi ossia a mano dritta accanto al muro più che potevo, e quando fui davanti al Palazzo del Senatore Vai, siccome il popolo mi affollava assai, mi messi in disparte per lasciarlo passare, e per far passare tutti i soldati, e come si direbbe tutto il convoglio. In questo mentre voltati gli occhi dalla parte opposta vidi un giovane, che non conoscevo, ferito nella testa, dalla quale versava sangue; perlochè natami curiosità di sapere cosa fosse accaduto, dopo che la strada fu libera, mi portai là dove era detto giovane che era proprio sotto le finestre della casa Vai verso la cantonata della detta Via dei Martelli per entrare sulla Piazza del Duomo, e dalla gente circostante che io non so chi fosse per non avere veduto alcuno di mia conoscenza, seppi che aveva ricevuto dall' ufficiale predetto che comandava la marcia dei soldati allora passati, una sciabolata colla quale oltre alla ferita che aveva nella fronte gli aveva pure affettato il cappello che teneva in capo che poi vidi allo spedale quando vi fu condotto il detto giovane che le dette genti dicevano essere Inglese cosa che credo io pure perchè parlava una lingua diversa da quella Italiana; e siccome vidi da questo ferito muoversi correndo verso la Piazza del Duomo un altro giovane, avendo domandato il motivo di questo suo procedere, seppi dalle genti predette che era un fratello del ferito medesimo, il quale andava in fretta per riconoscere quell' ufficiale che aveva dato il colpo di spada. Il motivo del procedere in quel modo piuttosto rigoroso dell' ufficiale Austriaco nessuno me lo seppe dire, e non raccapezzai perciò nulla, e suppongo che la cosa debba essere successa come in un baleno perchè io che ero uno degli spettatori più vicini, non mi accorsi proprio di nulla, non sentii che passassero diverbi fra l'ufficiale e il ferito, e non mi accorsi neppure che fra di loro ci seguisse un avvicinamento di persone, perlochè io nel momento supposi, siccome non vidi l'ufficiale che non so chi sia, e che non riconoscevi rivedendo, muoversi dal suo posto, che lo ufficiale medesimo desse il colpo allungando il braccio tanto più che la strada è stretta come avvertivo di sopra, e mi pare sorprendente che io non vedessi dare la sciabolata, ma credo che ne sarò stato impedito o dal popolo, o dalla bandiera che precedeva la truppa, o dai soldati; ma è un fatto certo, che io non vidi dare cotesto colpo. Poi cotesto ferito fu condotto allo spedale, ed io a qualche distanza lo seguitai, ed a cose fatte, cioè, quando fu medicato e fasciato, andetti al suo letto per vedere come stava, ma siccome era

assopito non ci parlai, ed in tale occasione essendo sul letto il suo cappello che è di questi di pelo bianco senza colla, bello, e quasi nuovo il quale nella tesa sul davanti era affittato come appunto si potrebbe tagliare con un ferro molto tagliente, ed intesi dire che se non avesse avuto in capo cotesto cappello l'Inglese vi avrebbe lasciato sul colpo la vita, mentre il cappello fu la sua difesa. Dopo poco me ne partii dallo spedale, e non so niente altro in proposito di questo fatto.

D. Se sappia o sia informato se il detto Inglese prima di rimanere ferito venisse in qualsivoglia modo offeso da altri militari Austriaci nella precitata Via dei Martelli.—R. Io non mi accorsi di nulla di nulla.

D. Se veramente il Signor test. non vedesse ammenare il colpo di spada dall' ufficiale Austriaco sopra il giovane Inglese suddetto.—R. Non, Signore.

D. Che veda di meglio riflettere per dare luogo al vero, poichè venendo dato per uno degli spettatori al disgustoso avvenimento di che si tratta del che lui stesso conviene, sembra al Trib. inverosimile che non osservasse in quel riscontro ammenare il colpo in disputa che è la cosa la più sostanziale dell' avvenimento medesimo.—R. Le ragioni per cui non vidi le ho dette di sopra ed io stesso rimango sorpreso di non essermi accorto di niente, ma può credere che quello che ho detto è un fatto certo, ed aggiungerò perchè si convinca che la cosa fu momentanea, che in quella circostanza nè la banda nè i soldati arrestarono la loro marcia, ma quantunque non abbin veduto, son persuaso che l'Austriaco scrisse cotesto Inglese giacchè tutti ne parlavano ad una voce, nè poteva essere successa diversamente giacchè non si sa che da altri l'Inglese venisse molestato.

Monito disse e previa lett. ratif. e firma, fu licenziato

(Firmato)

P. GIUSEPPE CATANI.

L. MARCUCCI.

G. DANESI.

A dì 24 Gennaio, 1852, comp. personalm., avant. cit., Giovanni, come disse, di Luigi Pini, di anni 27, nato e dom. in Firenze, di condizione ovattajo, test. cui deferito il giuramento, che prese nelle solite legali forme, monito cerziorato, fu

D. Se sappia o s'immagini la causa del suo esame.—R. Suppongo sicuramente giacchè non so d'avere altri affari col Tribunale, che dovrò essere esaminato intorno all' andamento di quel fatto che avvenne la mattina del 29 Dicembre ultimo decorso, in Via dei Martelli, fra un ufficiale Austriaco ed un Inglese che rimase ferito.

D. Cosa possa narrare intorno al detto fatto?—R. In cotesta mattina che ho accennato di sopra trovandomi circa il mezzodì, poco più poco meno in, Via dei Martelli, e segnatamente verso la sua metà, mi soffermai avendo inteso che veniva alla mia volta suonando la banda militare Austriaca che come è solito accompagna in cotesta ora la truppa destinata a mutare le guardie della città. Quando la banda fu passata io gli tenni dietro mettendomi in quel punto nel quale sta il popolo, cioè, fra la banda e la truppa che le sta dietro. Siccome la Via dei Martelli è alquanto stretta, il popolo, che era accodato alla banda può dirsi che fosse in folla, o questo lo posso dire perchè si stava l'un l'altro pigiati. Dopo pochi passi vidi che un ufficiale Austriaco che aveva in capo il berretto, e che in quel momento era fuori di comando, dette colla mano manca un colpo ad un giovane che gli rimaneva da quella parte, e con questo colpo lo chiappò sulla faccia e suppongo che fosse dato a forza giacchè quel giovane che lo ricevé fece un traballone indietro, ed osservai poi che quando si fu rimesso bene in piedi, un altro ufficiale Austriaco, che era quello che stava precisamente alla testa dei soldati e che marciava con essi colla spada sguainata, dette un altro colpo colla stessa spada sullo stesso giovane nella testa, e con questo colpo il giovane stesso rimase ferito nella fronte dalla quale principò sul momento a versare sangue in gran copia, come se un fiasco di vino si fosse rotto. Io immediatamente mi detti a soccorrere quel povero giovane stato in quel modo maltrattato senza ragione, perchè non mi accorsi che infastidisse quei soldati in veruna guisa, e unitamente a me gli prestarono soccorso un suo fratello che per tale si qualificò benchè non parlasse Italiano, ed un Francese, che non so chi sia, e poi venne anche un sacerdote a mo incognito. Altre persone ancora devono essere state di certo spettatrici di tutto quello che io vidi, ma di mia conoscenza non potei

scorgere alenno. Il ferito, che compresi essere un Inglese, mi accennava essergli grato che io gli prestassi aiuto, ma parlava poco e nella sua lingua discorreva soltanto col suo fratello, il quale si staccò subito da noi per vedere l'ufficiale che aveva ferito onde riconoscerlo, e poi ritornò subito, e costoto ufficiale lo raggiunse sulla Piazza del Duomo, giacchè la truppa andava verso la Piazza del Granduca. Io ed il fratello del ferito si condusse il ferito stesso alla prima farmacia che rimane sulla Piazza del Duomo in cantonata di Via dei Martelli, ma avendo sentito lo speciale che non poteva medicarlo, si andò immediatamente allo Spedale di S. Maria Nuova, ove il ferito avendo perso gran sangue, nel medicarlo si svenne, e dopo medicato fu messo in letto. Io fui presente alla medicatura e vidi in tal circostanza bene che la ferita riportata dall' Inglese sulla fronte trasversalmente era piuttosto grossa, e che col colpo della spada gli era stato tagliato anche il cappello che aveva in capo sul davanti nella falda, ed osservai che questo cappello era di quelli bianchi senza pelo, dei così detti alla pagliaccia, e da chi fu medicato ò da altri lì della stanza intendenti, sentii dire che se quell' Inglese non avesse avuto in capo quel cappello piuttosto forte avrebbe potuto rimanere sul colpo, ma non so poi quanto detta ferita approfondisse, perchè questa cosa non la vidi, ed io non me ne intendo. Messo che fu in letto il ferito io mi licenziai dallo spedale, e non ho saputo più altro di questo fatto.

D. Se sappia o sia informato se in tale riscontro il ferito Inglese precedentemente al disgustoso avvenimento successosi avesse luogo di offendere in veruna guisa i precitati ufficiali Austriaci.—R. Non so niente, perchè non intesi che fra loro passassero parole di sorte alcuna, e perchè non vidi che in veruna guisa li infastidisse. Soltanto potrebbe darsi per la gran folla che vi era, perchè la strada in quel punto che successe il fatto si fa stretta, che l'Inglese inavvertitamente cozzasse qualcuno dei detti due ufficiali, ma io non vidi, e mi pare che costota non potesse essere la cagione, perchè si stava tutti pigiati, e ci si toccava l'un l'altro.

D. Delle qualità personali dei detti due ufficiali Austriaci che offesero come sopra l'Inglese predetto, e se rivedendoli li riconoscesse.—R. Non saprei descriverli in verun modo, perchè non gli osservai, e non potrei perciò neppure riconoscerli se mi fossero fatti rivedere, ed era anche impossibile di poterli prestare attenzione, perchè la cosa fu subitanea, ed il caso non fece desistere minimamente la marcia nè della banda nè dei soldati.

Monito disse e previa lett. ratif. e firma, fu licenziato.

(Firmato)

PINI GIOVANNI.

L. MARCUCCI.

G. DANESI.

A dì 26 Gennajo, 1852, comp. personalm., avant. cit., Luigi, come disse, del fu Giovanni Minoccheri, di anni 42, ammogliato con figli, albergatore, nato e dom. nel Popolo di S. Marco Vecchio fuori della Porta S. Gallo, cui previa certiorazione e ammonizione deferito il giuramento, che prese nelle forme legali, fu

D. Se sappia o s'immagini il motivo del suo esame?—R. No, Signore.

D. Se sappia o sia informato se qualche tempo indietro in questa città, e precisamente in Via dei Martelli, sia avvenuto alcun fatto disgustoso fra un ufficiale Austriaco ed un paesano di nazione Inglese.—R. Circa un mese indietro, non ricordandomi dell' epoca precisa, una mattina poco dopo mezzogiorno, mentre io transitando per Via dei Martelli andavo alla Banca di Sconto per alcuni miei interessi, siccome è quella l'ora in cui i militari Austriaci vanno a mutare la guardia, e mi raggiunsero dopo che avrò fatto una quarantina di passi nella via suddetta, preceduti dalla banda militare che suonava, e che era accompagnata da molto popolo che stava fra la banda predetta ed i soldati armati; siccome la strada è alquanto stretta mi ritirai per lasciar passare tutto il convoglio sul marciapiede alla mia sinistra, cioè, dalla parte del Convento degli Scolopi. Poco sopra a quel palazzo che ha il portone aperto, e che mi rimaneva di faccia, vi era sulla strada un baroccio da contadini attaccato con cavallo o somaro salvo, e questo perchè intendeva era verso la Piazza del Duomo, cioè, passato il portone a quella direzione. Vidi passare la banda e poi il popolo che gli stava dietro, e che era sfilato, perchè, come avvertito di sopra, la strada è assai stretta. Osservai che un giovane, a me incognito, che

teneva un fagotto sotto braccio e che formava parte del popolo stesso, cercò di scansare il detto baroccio per continuare la marcia della banda, senza di che non avrebbe potuto passare più oltre. In tal mentre vidi muovere un braccio di un ufficiale Austriaco, e dare a detto giovane un colpo a mano chiusa ed a punta verso la faccia di tal giovane, e quasi contemporaneamente vidi alzare la spada di altro ufficiale che era alla testa dei soldati che andavano a mutare la guardia, e che venivano dopo il popolo, ma avvertò che io ho detto così perchè due diversi militari mi sembrarono, ma non posso dire per la verità se fosse il medesimo quello che dette il pugno di punta, e poi la sciabolata. Un fatto certo sì è, che un colpo di spada ferì quel giovane nella testa e segnatamente nella fronte ove gli fece un taglio trasversale assai rimarchevole, perchè dopo che la strada fu libera osservai che quel povero giovane, che fu detto essere un Inglese, versava sangue da quel punto in gran copia, e vidi anche che il colpo stato dato per quanto pare con detta arme dalla parte del taglio aveva pure affettato il cappello che aveva in testa nel punto ove al di sotto era tal ferita, e questo cappello era uno di quelli senza colla, ma non mi rammento se fosse bianco o nero; e mi ricordo benissimo che dopo ricevuto il colpo di spada fece il giovane colpito un traballone indietro dal quale non so se si rimettesse da per se oppure fosse sorretto dalle genti, ed io non feci osservazione ad altro perchè quella cosa mi fece troppo male, e continuai per il mio viaggio, tanto più che non mi ero potuto accorgere qual fosse stato il motivo che aveva indotto l'uffiziale a procedere in quel modo piuttosto barbaro, mentre io non mi accorsi che precedentemente ai colpi summentovati fosse passato alcun diverbio fra lui ed il giovane Inglese, ed io suppongo che la cagione per cui fu malmenato l'Inglese stesso derivasse dall' avere casualmente o urtato o pestato il detto ufficiale, o qualcuno degli altri soldati, ma il non urtarsi e il non pestarsi in quel punto tanto ristretto era impossibile, nè posso supporre che quel giovane Inglese, di carattere apparentemente quieto, volesse a bella posta dar motivo a quell' avvenimento. Io che non conobbi nessuno di mia conoscenza, non so immaginare come mi abbiano trovato ed indotto per testimone di questo fatto, ma questo non interessa; e per finire il racconto le dirò in ultimo, che il giovane ferito versò per terra molto sangue, e fu condotto quindi via dal prossimo speziale sulla Piazza del Duomo in cantonata della predetta Via dei Martelli, ma non so dirgli neppure chi erano quelli che lo condussero, perchè non li conoscevo, ed anzi non posso dirgli niente altro perchè io seguitai la mia strada e andetti alla Banca di Sconto, che è sul principio di via larga nel Palazzo Riccardi, e di lì seguitando la strada me n'andetti poi a casa.

D. Se possa descrivere l'uffiziale Austriaco che ferì colla spada come sopra ha detto, il giovane Inglese summentovato, e se rivedendolo fosse in grado di riconoscerlo?—R. Che fosse un ufficiale quello che dette il colpo di spada è cosa certissima, perchè guidava la truppa che dietro a lui stava colla spada sfoderata. Posso dire che era vestito di bianco, cioè, che aveva la montura bianca, ma non so poi che grado avesse, perchè non osservai alle stelle che hanno nella pistagna della montura, lo vidi in viso e mi parve piuttosto magro, ma non potrei raffigurarlo nè lo riconoscerei se lo rivedessi, perchè la cosa fu momentanea, e successe senza che la marcia nè della banda nè della truppa si soffermasse in quel momento.

Monito disse e previa lett. ratif. e firma, è stato licenziato.

(Firmato)

LUIGI MINOCCHERI.

L. MARCUCCI.

G. DANESI.

A dì 11 febbrajo, 1852, comp. personalm., avant. cit., Adelaide, come disse, di Gabbriello Bonatti, di anni 14, nubile, stiratrice, nata a Lucca e dom. a Firenze, test. alla quale deferito il giuramento, che prese nelle solite legali forme, monita cerziorata, fu

D. Se sappia o s'immagini la causa del suo presente esame?—R. Mi suppongo che sarà chiamata per motivo di quel fatto cioè di quella sciabolata che un ufficiale Austriaco detto tempo addietro ad un giovane forestiero, perchè so che la mia maestra, Elisabetta Poggiali, fu jeri chiamata a esame per questa cosa per quanto mi raccontò lei medesima, e se veramente su ciò devo essere scntita ecco quel poco che posso dirle. Circa a 40 o 50 giorni indietro, senza rammentarmi con precisione dell'epoca, una mattina verso le ore dodici dalla Piazza

di Barbano io in compagnia della detta mia maestra, si venne in via larga, e siccome poco più giù di noi si sentì suonare la banda militare dei Tedeschi, che accompagnava dei soldati armati non saprei dover, per sentire un poco suonare si accelerò il passo ed avendola di lì a poco raggiunta si seguì, stando al muro o presso il muro, a sinistra nel punto ove stava il popolo, cioè, fra la banda e i detti soldati, i quali erano comandati da un ufficiale, non saprei di qual grado rivestito, perchè non me ne intendo, il quale teneva dalla mano dritta la sua spada sfoderata. Si sortì dalla via larga percorsa che si ebbe tutta, e si entro in Via dei Martelli. Siccome questa strada è molto stretta, la gente che ce n'era molta ci si pigiava, e ci si urtava l'uno coll'altro per potere andare dietro alla banda. Quando fummo quasi alla fine di questa Via dei Martelli ed in prossimità dello sbocco nella Piazza del Duomo, verso il muro a parte sinistra, che io e la mia maestra Poggiali sempre mantenemmo, ci era un baroccio fermo attaccato mi pare con un cavallo, e costì siccome la gente non avrebbe potuto seguire il viaggio se non si fosse accalcata, tutti cercarono di passare avanti il baroccio stesso prima che passassero i soldati, e nacque per questo un gran pigiò, ed un giovane che voleva parimente passare avendo ricevuto un forte urto da un paesano che aveva dietro lo costrinse ad andare presso il detto ufficiale che comandava, e lo cozzò disgraziatamente in un braccio ossia nel braccio sinistro, potendolo dire con sicurezza, perchè il detto giovane era proprio accanto a me e alla mia maestra. Cotesto ufficiale, appena che si sentì toccato o urtato in quel modo, allungò il braccio dritto, nella cui mano aveva la spada sfoderata, come ho detto, e dalla parte del taglio dette con assai forza una sciaibolata a detto giovane sul capo, e gli fece una gran ferita sulla fronte, dalla quale principiò subito a versar sangue, e gli affettò anche il cappello che aveva in testa che era di questi chiari così detti alla pagliaccia. La mia maestra apprestò immediatamente soccorso a questo giovane, che si dubitò che fosse un forestiero, perchè poi lo dissero le genti, e perchè non parlò mai; e siccome la detta mia maestra piangere di questo fatto e piangevo anche io, vennero poi delle genti e alle preghiere della mia maestra, fu condotto alla prossima farmacia in Piazza del Duomo, ed allora noi si andò via, ed io non saprei dirgli altro.

D. Se sia in grado di descrivere e riconoscere l'uffiziale Austriaco che ferì come sopra il giovane forestiere a lei incognito?—R. Mi pare che cotesto ufficiale fosse di giusta statura e giovane, ma siccome non ci prestai attenzione, non posso dire altro e non lo riconoscerei.

D. Se nella occasione che sopra e precedentemente al colpo da detto giovane ricevuto, avesse luogo di osservare che altro o altri uffiziali Austriaci offendessero in veruna guisa il giovane stesso?—R. Io non viddi proprio niente, e se non ero lì accanto a questo giovane non avrei visto niente egualmente, perchè fu una cosa dal dire al fare, e proseguì la marcia senza fermarsi un momento.

D. Se detto giovane offendesse in veruna guisa il detto militare Austriaco feritore oltre l'urto che sopra?—R. Nò, Signore, non parlò mai nè con lui nè con altri e l'urto come gli ho detto, perchè proprio non poteva fare a meno, e quello che successe a lui poteva succedere anche a me e alla mia maestra.

D. Se conoscesse alcuno presente al fatto che sopra?—R. Nò, Signore, ad eccezione della mia maestra colla quale ero in compagnia.

Monito disse e previa lett. ratifi. e dichiarazione di non sapere scrivere, è stata licenziata.

(Firmato) L. MARCUCCI.
G. DANESI.

(Translation.)

Office of the Royal Attorney-General of Florence,
February 11, 1852.

HAVING caused to be done what I was directed to do by your letter (ministeriale) in reference to the assault upon the Englishman Mather, I inclose to you the examinations required.

I have, &c.

(Signed) B. PAOLI.

To the Attorney-General at the Royal Court of Florence.

Attorney-General of Florence.

Criminal Proceedings against an Austrian Officer for Assault.

List of witnesses in the affair relative to James Mather:

James Erskine Mather, No. 1205, Piazza Maria Antonia.
 Thomas Mackenzie Mather, No. 1205, Piazza Maria Antonia.
 Minoccheri, Innkeeper, outside the Porta S. Gallo.
 Giovanni Pini, No. 5083, Via Rosina,
 Reverend Giuseppe Catani, Via della Colonna, Casa Jacopucci.
 Signor Vai, Casa Vai, Piazza del Duomo.
 Giuseppe Banchelli, Wood-Merchant, Via dei Martelli.
 Elisabetta Poggiali, Laundress, living on the Prato, 3498.

Civil and Criminal Prefecture of the Quarter S. Giovanni in Florence.

On the 14th January, 1852, in pursuance of a requisition (rogatoria) of the office of the Attorney-General of the Court of First Instance of this city, of the 10th January instant, for which purpose certain papers were transmitted with the said requisition to this Prefecture, relative to an assault which took place on the 29th of December last past, on the person of the young Englishman Mather, the following appeared in person, being previously summoned, Ferdinando, stating himself to be son of deceased Gaspero Rossi, 52 years of age, married, having three children, dealer in carriages and trunk-maker, born and domiciled in Florence, witness, to whom the oath was administered, which he took in legal form on the image of Jesus crucified in relief, being admonished and informed, was asked,—

Q. Did he know or imagine the reason of his examination?—A. I suppose that I am to be examined in relation to the act which took place in the Via dei Martelli, in front of my shop, on one of the last days of last year 1851.

Q. What act does he mean?—A. One morning of one of the last days of last year, as I said, but I do not remember the precise day, between 12 o'clock and 1 (il tocco), while I was standing within my shop near my counter with the warmer in my hand, and also my cloak on, because a short time previously I had been unwell for about ten days, and I was yet convalescent, I saw as usual pass before my shop which was situated, as I said before, in the Via dei Martelli, the Austrian band, which was playing, and behind it some soldiers, also Austrians, armed, all going towards the Piazza del Duomo, and coming from the direction of the Via Larga. As the Austrians passed every day at that hour to go and relieve guard at the respective posts, I paid no attention to them, and did not move from my place, more especially as I was, as I said, unwell. But after the Austrians had passed by, having observed a number of persons standing together in the street continuing opposite my shop, I felt curious to know what had happened; I rose from my seat, and going to the shop-door, I observed a young man, unknown to me, with blood running from his forehead down to his nose, who was supported on his feet by two others standing near him, and who were likewise unknown to me. I supposed at the moment that he had fallen, and was thus hurt by knocking his head against the ground or against the step before the Palazzo Marchesini, just where the wounded young man was with the persons who were helping him; but afterwards I heard from all the people, without however my being able to name any one, because I saw no one there that I knew, who all agreed in saying that the young man had received a cut (squadronata) from an Austrian officer, who was not named; and as I was anxious about my health, I returned to my place in the shop, and did not stay to ask the cause why this Austrian officer gave the cut, and I don't know even now, because I look after my own business and don't trouble myself about other people's; and beyond that I cannot tell you anything.

Q. Has the witness really no further information about the act which he has just spoken of than what he has stated?—A. Certainly.

Q. The witness will endeavour to freshen his memory, because it has been

suggested to the Court by a report of the Serjeant-Major of the Imperial and Royal Gendarmerie attached to the service of this quarter of S. Giovanni, that the witness is informed of the affair with all its circumstances, from having been a spectator: but—*A.* That is certainly a mistake, for I cannot say more than what I have told you above, by the same token that when some persons belonging to the Gendarmerie, I do not know who they were, came to summon me at my shop, I told them the same things that I have told you; and it would be perfectly indifferent to me to relate anything further, if really I had seen or had been informed any further.

The above having been read to witness, who confirmed and signed the same, he was dismissed.

(Signed) FERDINANDO ROSSI.
T. FERRATI, *Pref.*
G. DANESI.

On the 16th January, 1852, appeared in person, upon previous summons, the illustrious Senator Giuseppe, son of deceased Luigi Vai, forty-seven years of age, a widower with one son, a proprietor, born at Prato, and domiciliated in Florence, a witness to be heard, to whom the oath was administered, which he took in the legal form on the image of Jesus crucified, in relief, being admonished and informed, was asked,

Q. Does he know or imagine the reason of his examination?—*A.* No.

Q. Does he remember that he was not long since an eye-witness of a fact which took place in this city in the Via dei Martelli, between a countryman and an Austrian officer or officers?—*A.* I did see a fact, and this is what I have to say in regard to the same. About fifteen days ago, more or less, I do not remember the exact day, one morning about midday, or a little later, as I was at home busy at my table, I heard the band playing which was passing by as it usually does every morning or almost every morning when the Austrian troops go to relieve guard. I thought of going to the window of my said house which looks upon the Via dei Martelli, and when I reached the window the band was just below my said house, and the armed troop which followed it may have been a few paces lower down. At the head of the troop there was an officer, I do not know of what rank because I did not notice it, a man of about forty years of age, but whom I should not know again; and as there was a young man standing still in the middle of the street, I observed that the said officer made him a sign with the left hand, or the hand which did not hold the sword, to stand aside, and perhaps also he touched him a little. The said young man,—who he was I do not know, but I have since heard from public rumour that he was an Englishman, and whom I should not remember as I have not his physiognomy clearly in my memory,—went aside quickly towards the end of my house, the Casa Marchesini, or perhaps rather under it, and at the same time I heard that a few words were rapidly exchanged between them, which I did not understand because I was too high up to be able to distinguish them, and also because the band was making a noise; and at the same moment I saw that the said officer raising his sabre gave the young man a blow on the forehead with it, using the cutting edge (*adoprata per taglio*), by which the latter fell down upon the step by the wall of the Casa Marchesini, but with almost the rapidity of lightning he got up again, and when he was standing I saw that blood was flowing from the place where he was struck, and I suppose that the sabre-cut had produced a wound; observing that when the above-named officer gave the stroke as stated, he had near him another officer, also an Austrian, who came I know not from whence, but I think he was not at that moment in command of those soldiers, because he had not his sabre drawn. Because this act produced upon me a disagreeable impression I withdrew from the window, but I afterwards heard it said by somebody, I do not remember who, that he had left the place with the intention of going to the hospital (*che era stato in grado di andare da per se allo spedale*), so that I cannot tell you whether anything took place afterwards, nor am I informed of anything else in relation to that affair.

Q. Did the witness at that time have occasion to see any person known to him as spectator of the fact above related?—*A.* There were certainly people

both in the street and at the windows opposite mine, that is to say, of the part opposite to my house, but I did not observe whether any of them were known to me; and indeed I could hardly have had time to do so, because the affair passed very rapidly, for neither the band nor the soldiers, notwithstanding the occurrence, stopped their marching, and the officer did not in the smallest degree leave his command, and in striking the young man he did but move a step or two, and stretch forth the arm which wielded the sword.

The above having been read to witness, who confirmed and signed the same, he was dismissed.

(Signed)

GIUSEPPE VAL.
T. FERRATI, *Prof.*
G. DANESI.

On the 16th *January*, 1852, appeared in person, upon previous summons, Agostino, stating himself to be the son of the deceased Pasquale Meoni, 40 years old, married, with children, born at Montevarchi, and domiciliated in Florence, a coachman by calling, witness, to whom the oath was administered in the legal forms, who being admonished and informed, was asked :

Q. Does he know or imagine the reason why he is examined ?—A. No, Sir, unless you tell me.

Q. Does he remember to have been not long ago witness to a disagreeable circumstance which took place in the Via dei Martelli, between one or more Austrian officers on the one part, and a countryman on the other ?—A. About fifteen days ago, I do not well remember the precise time, between 12 o'clock and 1 (il tocco), when I was in the house of Signor Settimio Modigliani, situated in the Via dei Martelli, breakfasting, the said Signor Modigliani being my master, after the passing by of the German band which goes with the regiment to relieve guard, and which I hear pass by almost every morning, I went out of the house, and having observed some fresh blood in the street at the side opposite, and precisely in front of the Stabile Marchesini, and having asked what had happened of different people who were talking about the blood, I was able to understand from the whole of what I heard got together by hits and scraps, that an Austrian officer passing that way, as he did a short time before, with the regiment preceded by the band, as I have said before, had given a sabre-cut to an Englishman; but as it was a case between two foreigners, they could not say, and therefore I do not know, who that officer and the Englishman were; and I understood, just as I heard it said by those people, that the Englishman was wounded by that sabre-cut in the head, and that he had left that blood there in the street. As the Englishman supposed to be wounded was no longer there, and I am not informed where they conducted him, and having to attend to my own affairs, I went away, and this is all that I can tell you in regard to that fact, at which moreover, as I have said, I was not present, and I know nothing more.

Q. Does he know, or has he been told at least of any one who really was an eye-witness of the fact above mentioned ?—A. I do not know who was present precisely when the fact took place, nor can I tell you by whom I heard it related on that occasion, because those people who talked about it and from whom I became acquainted with it, were all unknown to me.

Q. Was the witness really not present at the fact of which he has spoken ?—A. Certainly,

Q. Endeavour to recollect better in order to discover the truth, because it has been represented to the Court in a report of the Imperial and Royal Gendarmerie, of the 9th *January* instant, that the deponent was an eye-witness and present at the fact in question ?—A. This is a mistake; and having once sworn to tell the truth, I am incapable of saying that which is not. I repeat then, that I was not present at the act, and that I was informed of it solely in the way I said before.

The above having been read to witness, who confirmed and signed the same, he was dismissed.

(Signed)

AGOSTINO MEONI.
T. FERRATI, *Prof.*
G. DANESI.

On the 17th January, 1852, appeared personally, upon previous summons Mr. Thomas Mather, an Englishman, who, showing that he could not speak in any other language than his own, after a certain interval of time, Signor Lorenzo Ciatti was brought personally before us, aged 33, stated to speak and understand English as well as Italian, for the purpose of examining by his means the aforesaid Mr. Mather; it was therefore told to the said Signor Ciatti that he should faithfully report to the said Mather everything that he should be directed to ask of him by me, the Undersigned, and having received the proper answer in the English language, he should report it to me, the same Undersigned, with all faithfulness in the Italian language; which having promised to do, after previous information and admonition, and the administration of the oath to them both, which they took separately, Mr. Mather upon the Gospel, because he had stated through the interpreter that he was a Protestant, and Signor Ciatti upon an image of Jesus crucified; after this, being interrogated by means of the said interpreter, he was asked:

What is your name, surname, age, country, and position (esercizio)?

And the said question being put to him by means of the said interpreter as he stated, he reported that the reply was given in English, putting the same into Italian as follows:

I am Thomas Mackenzie Mather, son of James; am seventeen years old on the 20th of the present month. I am unmarried; I am a proprietor, and traveller for amusement; am a native and resident of Westae, South Shields, Durham.

Being asked as above, if he knows or imagines the reason of his being examined?—A. (as declared by the interpreter) I suppose I am called to give evidence of a fact which happened a few days ago to my brother James Erskine.

Question as above. He will relate with all precision and with all the most minute particulars the fact of which he speaks?—A. (as declared by the interpreter) About half-past 11 o'clock in the morning of the 29th December last, I and my brother were standing on the Piazza di San Marco to hear the Austrian band play, which was preparing to play and to move on; but then seeing that they did not begin to play, we proceeded towards the Via Larga, to get breakfast at a coffee-house on the Piazza del Duomo. When we were at about the middle of the said Via Larga, having heard that the band was playing, and coming our way, we stopped in order that it might come up with us. When it came up with us we followed it, standing on the right hand of the band, precisely between the band and the armed Austrian soldiers who followed it, and if anything, nearer the soldiers than the band. On arriving at the Via dei Martelli, where the street became so narrow that several times the soldiers trod upon our feet, both of me and my brother, when about two-thirds of it had been passed, and we were consequently very near getting out into the Piazza del Duomo, I asked my said brother, with whom I was walking arm in arm, to cross over the street, that is to say, to go to the left side, and my brother having consented to it, separating ourselves one from the other, we tried to pass between the band and the soldiers. I succeeded in passing, but my brother could not do the same, because he was prevented by the Austrian officer who was at the head of the said soldiers. I however can only say that I heard my brother, while endeavouring to cross the street, ask quietly and calmly for what reason he had struck him; but I cannot say whether he really struck him, because my back was turned and I did not see him; nor do I know if the question which he put to the officer was what I have stated, which I could only guess from the manner in which my said brother turned towards the aforesaid officer, and because my brother himself afterwards corroborated that supposition of mine. But it is a certain fact that my said brother did not express himself nor turn himself with menacing acts of any kind towards the above-mentioned Austrian officer, whose name I do not know, because that was the first time I saw him. Another Austrian officer appeared at that moment, who was not on duty because he had his cap on his head, and was like myself a simple passer-by, and rushing from the left side of the street to which I had passed, against my brother, he drove his fist directly in his face precisely upon the nose, and then immediately returned to his place; and my brother having made some steps back from the blow which he had received towards the side opposite to where I stood, the first officer, with the drawn sword which he held in his right hand, gave him a blow with the edge of it upon the head precisely

upon the forehead, the consequence of which was a transverse wound. But I must observe that I did not see that wound, from which blood flowed in abundance, until his hat was taken from his head, which was done immediately, and I observed at the same time that the hat, which was of the sort called "alla pagliaccia" and very strong, was cut through [*affettato*, lit. sliced] by the same blow; and I must also state that my brother had scarcely received the blow when he made a start backwards, without however falling to the ground. The affair was very rapid, because neither the band nor the regiment stopped their march, wherefore the officer who gave the wound passed on with his soldiers, and we remained there surrounded by many people, who came to render assistance to my brother, who was leaning against the wall in consequence of the wound he had received, and therefore I made up my mind to overtake the said officer in order to be able to recognize him on any other occasion. I did overtake him in the Piazza del Duomo, and having well surveyed him, I can say that he was of fair stature and complexion, rather thin in the face, and without beard. I do not remember whether he had whiskers; his hair as it appeared to me was light auburn; he was clad in a white regimental surtout, and were I to see him again I should undoubtedly recognize him. After that I immediately turned back to assist my brother who was still on the same spot; and as he had been ill treated; he was taken, supported by the arm, to the nearest doctor's shop in the Piazza del Duomo and afterwards to the hospital, where they attended to him and put him to bed, and to-day I hope he will be allowed to leave, although he be not entirely cured.

Being asked as above, whether at the moment his aforesaid brother was attacked and wounded as above, there were present any persons of his acquaintance.—*A.* (as declared by the interpreter) I saw no persons of my acquaintance; but I do know, however, that there are respectable people, and well known in Florence, who saw all, and whose testimonies would corroborate the facts which I have related, and I believe it will not be difficult for the Government to find them out.

Being asked as above, as to the personal appearance of the officer who struck his brother with his fist, as above mentioned, and whether, if he were to see him again he would recognize him.—*A.* (as declared by the interpreter) I cannot describe him at all, because I only saw him as it were in a flash of lightning, nor should I recognise him if I were to see him again, considering that I cannot tell the man held either by this officer or by the other, because, as they belong to the military, of which I know nothing, I do not understand the distinctions of the grades in their uniforms; and I ought to mention that at the time I and my brother wished to cross the Via dei Martelli in the said street, which is a very narrow one, as I have stated, there were many people between the band and the soldiers, as also on both sides, wherefore we thought we were doing nothing contrary to law in trying to cross the street, and indeed I succeeded in doing so.

The above having been read and explained to Mr. Mather and to Signor Ciatti, as interpreter, who confirmed and signed it, both were dismissed.

(Signed)

THOMAS MACKENZIE MATHER.
LORENZO CIATTI.
T. FERRATI, *Pref.*
G. DANESI.

On the 9th February, 1852, appeared personally, upon previous summons, Vincent, son, as he says, of the late Giovanni Banchelli, wood-merchant, aged 43 years, married, with one son, born at S. Maria a Coverciano, residing in Florence, witness, to whom the oath was administered in the legal forms, who, being admonished, &c., was asked,

Q. Whether he knew or had any idea of the object of his examination.
—*A.* No.

Q. Whether he remembered having some time ago been a witness at an affair which took place in the Via dei Martelli, in this city, between some Austrian soldiers and a countryman?—*A.* About six weeks ago, one morning about noon, a little before or after, whilst I was standing in my shop, situated in the Via dei Martelli, to get to which it is necessary to mount several steps, there being below a cellar belonging to the Padri Scolopi, after the Austrian band had

passed with the soldiers going to relieve guard, as they are accustomed to do on their way to the Piazza del Granduca every morning, on raising my eyes I saw that people had collected together in the above-named street, wherefore I sallied forth and began asking, first one and then another, to learn what had happened. I understood that an officer, and subsequently that it was the one who commanded the soldiers, had, with a stroke of his sabre, wounded a young man who was pointed out to me under the Palazzo Marchesini, or rather between the Palazzo Marchesini and the Palazzo Vai, which are opposite my shop, but rather nearer to the Piazza del Duomo. I hastened to look at the wounded youth, and observed that he was unknown to me, and that blood was streaming from his forehead across which there was a cut; and then it was clear that the account given to me as above bore all the characters of truth. Then, as I saw that around the said youth who was wounded, who was said by some to be a Frenchman, and whom others called an Englishman, but who was certainly a foreigner, there were those who assisted him, I returned to my shop; nor can I tell you anything more concerning this matter, because to give any further account it would be necessary that I should have been present.

Q. Whether he knew, or had at least been informed, of the reason which induced the Austrian officer to act as above against the aforesaid foreigner, who was unknown to him?—A. The people whom I interrogated said that the foreigner in question had, I know not how, pushed against another Austrian officer, and that the one who had the command struck at him with his drawn sword, and thereby inflicted a wound; but whether this be true I do not know, neither can I answer for its being so, because it was told me by people who were all unknown to me, since I did not see any one of my acquaintance at the moment.

Q. Whether indeed he was not one of the spectators of the affair above mentioned?—A. Yes, Sir.

Q. Then what prevented you from speaking the truth, since you will be considered as having been present, and therefore cognizant of the circumstances in question?—A. I left the shop when it was all over, and I assure you that what I saw, and what I knew from having heard it publicly repeated, I have told you, and know nothing more.

The above having been read to witness, was confirmed by him, and having declared he could not write, he was dismissed.

(Signed)

L. MARCUCCI
G. DANESI.

On the 9th February, 1852, appeared in person, upon previous summons, Elizabeth, daughter, as she said, of the late Paul Zardi, wife of Demetrio Poggiali, aged 27 years, ironing woman, born at Bologna and living at Florence, witness, to whom the oath was administered in the legal forms, being admonished, &c., she was asked

Q. Whether she knew or had any idea of the reason for her examination?—A. No, Sir, unless you inform me.

Q. Whether she knew or was aware that there was in the city a street called Dei Martelli, and if so, whether some time ago an important and unpleasant affair happened in that street between Austrian soldiers and a countryman?—A. Yes, Sir, I know where that Via dei Martelli is, and I remember that some time ago I was present when an officer struck a young man.

Q. That she should relate with precision and minuteness of detail the affair referred to?—A. It may now be some forty or fifty days ago, when one morning, which I cannot exactly specify, soon after noon, as I was returning from the Piazza di Bariano to the Piazza del Duomo on my own business, when I came to the broad street I heard the Austrian military band playing, and it was followed by a number of armed soldiers headed by an officer, I do not know of what rank; I walked a little faster in order to hear some tunes and having overtaken the troops, posted myself where the people were who followed them, and afterwards between the hand and the soldiers, still keeping close to the wall on the left-hand side; I had with me a pupil of mine whose name is Adelaide, but whose surname I do not remember, a young woman about fifteen years of age, who is always to be found at my house. Now as the crowd which followed the band was great, by the time it had gone up the broad street and entered the Via dei Martelli, which is very narrow, there was such a press of people that it was

difficult to go on and to avoid being pushed about, I and my pupil, however, continued our way up this street on the left-hand side. Just at the end of this street I saw a young man, unknown to me, who was close by me, receive a rather hard push from some persons unknown who were around him, which made him stumble and knock against the officer, who as I have said was at the head of the soldiers who were following; this officer, without saying a word, lifted his sword which he held unsheathed in his hand, and gave the said youth a blow with it upon the head, and wounded him just on the forehead, cutting through the hat which he had on, and he immediately began to bleed freely from a large wound which the said officer had made with his sabre-cut. After the blow the young man staggered backwards, but did not fall because I caught him; I then took his handkerchief which I drew from his pocket, and applied it to the wounded part in order to stop the bleeding, that he might get to the nearest doctor's shop in the Piazza del Duomo to have it dressed; and a man, whom I did not know, at my request bound it up, and conducted him to the said doctor's shop: and then, as so many other people, whom I did not know came to help the poor young man, I continued my way with my pupil.

Q. Whether before the blow given as above stated by the said officer on duty, the witness had happened to see that other Austrian officers had in any way molested the said young man?—A. I did not see that other officers molested the young man, either before or after.

Q. Whether before the blow struck as above, an interchange of words had taken place at least between the officer who had given the wound and the young man who was wounded, and if so what were the precise words?—

A. I did not hear any words or conversation whatever, but if there had been any, as I was close by them, I must certainly have heard it; and, moreover, for truth's sake I ought to say that the young man did not in any way whatever molest the officer who wounded him, excepting by the accidental push he gave him, as I have stated above, and it appears to me also quite certain that he pushed against the opposite arm to the sword-arm, and I assure you that he could not help pushing against him.

Q. Whether after the circumstance of which she had been speaking she had heard who the young man was who had been wounded as above?—A. He was certainly not a Tuscan, for when I went to his assistance I heard that he could hardly speak Italian, and the people said he was an Englishman, but who he really is I do not know.

Q. As to the personal appearance of the Austrian officer who gave the wound, and whether she would recognize him if she were to see him again?—

A. He appeared to me to be a tall young man; but as I did not give my attention to him, especially as he did not delay his march even for a single moment, and that I busied myself in assisting the wounded young man, I could not therefore describe him in any way, and should not know him again.

Q. Whether after having taken her pupil Adelaide home, she remembered if other persons whom she knew had been present at the above-mentioned affair?—A. There were a great many people there, but I did not recognize any one of my acquaintance.

The above having been read to witness, was confirmed by her, and having declared she could not write, she was dismissed.

(Signed)

L. MARCUCCI.
G. DANESI.

Most Illustrious Sir,

January 7, 1852.

As has been arranged between the Minister of Foreign Affairs and the British Legation, it devolves upon the Tuscan authorities legally to ascertain, in the most precise manner possible, all the facts relating to the wounding of the young Englishman Mather, by an Austrian officer, on the 29th December.

I must therefore beg you, most illustrious Sir, to have the kindness to direct that the most particular investigations be made upon this subject, and that you will be pleased then to transmit the vouchers relating thereto to this office.

In returning to you for the above purpose the papers sent to me relating to this affair, I have, &c.

(Signed)

P. BICCHIERAJ.

To the Attorney-General, Florence.

Delegazione di Governo of the Quarter San
Giovanni, Florence.

Most Illustrious Sir,

It having been considered that James Mather, an Englishman, was yesterday in danger of his life from wounds received from an Austrian officer, I caused him to be heard in examination, and which I send you for any purpose you think fit, notwithstanding that the danger did not exist.

Together with the examination I send you also a copy of the report relative to this affair.

With the greatest respect, I have, &c.

(Signed)

To the Attorney-General of the Tribunal of First Instance, Florence.

Report.

Imperial and Royal Gendarmerie, Delegazione San Giovanni,
December 29, 1851.

At 12 o'clock this morning, as the Austrian guard, commanded by an officer, was going along the Via dei Martelli, in the direction of the Palazzo Pitti, at the same time, crossed that street the young Englishman James Erskine Mather, son of James [Mather], 21 years of age, who knocked against the said officer, the latter dealt the young Englishman a blow with the heavy sword with which he was armed, producing a severe wound on his forehead, which placed him in imminent peril of his life. When he was raised from the ground where he had fallen, by some kindly-disposed persons, he was conveyed to the Hospital of S. Maria Nuova, where shortly after the Minister of this Tribunal visited him in order to take the judicial depositions from the wounded man himself.

(Signed)

L. GALLIANI, *Serg. Maj.*

Additional Report.

Imperial and Royal Gendarmerie, Delegazione S. Giovanni,
December 29, 1851.

I have to inform the Court of your Excellency that the report relative to the wound inflicted on the young Englishman, James Erskine Mather, having been referred to the Prefecture of the Quarter S. Giovanni, it appears that his life is not declared to be in danger, as the Undersigned had stated in his former report.

(Signed)

GALLIANI, *Sergeant-Major.*

Department of Government in the Quarter S. Giovanni,
Florence, December 29, 1851.

I, the Undersigned, having repaired to the Royal Hospital of Santa Maria Nuova, have there examined the wounded individual named James Mather, son, as stated, of James Mather, a native of South Shields in the North of England, about 21 years of age, a gentleman, travelling for pleasure.

Having sworn him to the truth upon the New Testament (he being a Protestant), which he touched with his right hand, my examination was as follows:

Q. On what account are you now confined to your bed?—A. I have been wounded on the head. About half-past 11 I left the house where I am living in the Via delle Ruote (I do not know the name of the landlord), in company with my brother Thomas, who is staying with me, and with whom I have been in Florence about three months. We came to a large square near that of the Annunziata—I believe it is called San Marco—where were some German soldiers with the band. We stayed there a little, looking on, and then went to the Piazza del Duomo. Hearing the band, however, coming towards the square, we turned a little back through a narrow street, of which I do not

know exactly the name. It so happened that I and my brother stood between the hand and the soldiers, and the officer who was at the head of them having found perhaps that we were too near the soldiers, touched me on the shoulder with the flat part of his sword. Turning round, I asked him in Italian in rather an energetic manner, why he had struck me in that manner; when another, whether an officer or a private I cannot tell, but I believe an officer, stepping up towards me gave me a slap on the face with his hand, without saying a word, at least I did not hear him. At the same time the first person struck me on the head with his sword and wounded me in this manner. The people who were present then took me to a doctor's shop, and afterwards brought me to this hospital.

Q. Do you know by sight the officer who wounded you?—A. No, I do not know him.

Q. Had you ever seen him before?—A. No; I saw him then for the first time. He was not very tall, was slender, and did not appear to me to have a beard or at least but little; and I could not tell whether he was a captain or a lieutenant; he had a white uniform, but of what regiment I could not tell. If I were to see him again, however, I should be able to recognize him; the one who struck me on the face was taller than the other, but him I should not know again.

Q. Had you in any way offended the officer?—A. It is possible I may have touched him as I passed, but I am not conscious of having done so. I rather think positively that I did not.

Q. Can you point out who were present on this occasion?—A. There were my brother, and several other persons whom I do not know, but whom he may perhaps be able to name.

Having read over the above, which the said James Erskine Mather confirmed and signed, I took my leave.

(Signed) TRIZA.

December 29, 1851. At half-past 12 P.M. this day, was brought to this hospital, Erskine Mather, an English gentleman, of 21 years of age, to be cured of a wound affecting all the soft parts of the skull and the external covering of the bone situate in the region of the forehead, descending obliquely from top to bottom, and extending about three inches from near the middle of the forehead to the right eye. I consider the wound to have been produced by a sharp instrument, and that life is not endangered at present.

(Signed) MASSIMILIANO CARTEI.

On the 17th January, 1852, Doctor Massimiliano Cartei, in consequence of previous summons conveyed to him through the medium of the Commissary of the Imperial and Royal Hospital of Santa Maria Nuova in this city, to which he is attached in the capacity of surgeon (*chirurgo di medicheria*), after having taken the oath in the usual legal forms, declared that he acknowledges the present report which has been read over and exhibited to him, not only from the nature of its contents, but also from his signature being attached to it, and that he on that account confirms and ratifies it in all its parts; and he has moreover added that the wound inflicted upon the said James Erskine Mather, to whom the said report refers, was to be considered as belonging to the class of serious, on account of the locality; and that although he is certain that Mr. Mather left the hospital this morning, he does not know, from not being otherwise attached to that establishment, whether he is perfectly cured, but that he supposes he is, from having heard others belonging to the hospital say so, and is therefore confident that if no counteracting circumstances intervened, the wound alluded to was very well capable of being cured within the space of twenty days, which is the exact number of days that have elapsed from that on which it was inflicted up to to-day.

The above having been read to and confirmed by the said Dr. Massimiliano Cartei, he signed it and was dismissed.

(Signed) FABIO MARCONI.
G. DANESI.

Report.

Imperial and Royal Gendarmerie, Delegazione S. Giovanni
 Illustrious Sir, January 9, 1852.

In reply to the communication received from the Court of your Excellency, I have to state that in order precisely to establish, as it really happened, the case of the young Englishman named James Mather, wounded by an Austrian officer on the 29th of December last, the testimony of the following ocular witnesses of the fact is to be obtained, viz.: the Senator Joseph Vai di Prato; Agostino Meoni, a coachman living in the Borgo la Noce, and at present in service in the Via dei Martelli; and Ferdinand Rossi, a trunk-maker in the same street. The two last may probably be able to name other persons who were present at the occurrence in question.

(Signed) L. GALLIANI, Sergeant-Major.

Presented at the office of the Royal Attorney-General at Florence, by
 Sergeant-Major Galliani, who attested it and was dismissed.

(Signed) L. GALLIANI.
 CHELUZZI.

Prefecture of the Quarter S. Giovanni in Florence,
 Illustrious Sir, January 17, 1852.

Having carried into effect the instructions contained in your Excellency's letter of the 10th instant, on the subject of the wounded individual, James Mather, I have the honour to forward you the inclosed documents on the subject, and to remain with all respect, &c.

(Signed) G. DANESI.

To the Royal Attorney-General of the Court of First Instance at Florence.

Office of the Royal Attorney-General,
 Illustrious Sir, Florence, January 19, 1852.

The gendarmerie having been charged in your Excellency's despatch of the 7th instant, to point out the witnesses who could give evidence with the utmost exactness as to the circumstances attending the wound inflicted on the 29th ultimo by an Austrian officer on the Englishman James Mather, that department has presented to me a report, in which the following persons are named for the purpose, viz.: Agostino Meoni and Ferdinand Rossi, the former a coachman, and the latter a trunkmaker, living in the Via dei Martelli, where the case occurred, and the Senator Joseph Vai di Prato, who was present there at the time.

Neither Rossi nor Meoni, however, although generally acquainted with the case, have been able to give the precise particulars, and the Senator Vai di Prato alone has given evidence that he saw, as the Austrian band was passing, a young man standing in the street through which the guard was marching with an officer at the head; that the latter made a sign with his left hand to the young man to get out of the way, probably touching his person; and that the young man turned away immediately, and while retiring exchanged some hasty words with the officer, who thereupon raised his sword and struck him on the forehead.

The brother of the wounded person, who was with him at the time of the occurrence, has also been examined, and his evidence is in substance the same as his brother's; and the result is, that between James Mather and the officer there was an interchange of words, and that the former was invited and urged by the latter to get out of the way, but that the Englishman, however, did not in any manner offend the Austrian.

Such are the results which it is stated there has been a possibility of obtaining from the witnesses named by the gendarmerie, which department has further reported the impossibility of succeeding in finding out others, who, besides being actually present, paid such attention as to be able to relate minute

circumstances, and in particular to give evidence as to the Englishman having actually offended or threatened the German officer.

I have, &c.

(Signed) B. PAOLI.

To the Attorney-General of the Royal Court of Florence.

From the same to the same.

Illustrious Sir,

January 27, 1852.

Having learned that three individuals could be examined with advantage as witnesses relative to the wound inflicted in the Via dei Martelli on the Englishman Mather, by an Austrian officer, I have caused the said individuals to be examined, and have now the honour to inclose their depositions.

(Signed) B. PAOLI.

From the Prefect of the Quarter of S. Giovanni to the same.

Illustrious Sir,

January 26, 1852.

Having caused the instructions contained in your Excellency's despatch of the 21st instant, respecting the wounded Englishman, Mather, to be carried out, the necessary examinations have been completed in conformity thereto.

(Signed) L. MARCUCCI.

Civil and Criminal Prefecture of the Quarter S. Giovanni, Florence.

On the 24th January, 1852, in compliance with instructions contained in a despatch from the office of the Attorney-General of the Court of First Instance in Florence, appeared in person, upon previous summones, Giuseppe, son, as stated, of Francis Catani, aged 35, a priest, born and residing in Florence, who having been previously sworn on oath, *tacto pectore*, was asked,

Q. If he knew or imagined the object of his examination?—A. Not having any business with the Court, I imagine I am about to be interrogated respecting an occurrence which took place about three weeks since in the Via dei Martelli, in front of the house of Senator Vai; and if so, the following is what I have to say. About the time mentioned, I cannot exactly recollect the day, I was, about noon, in the Piazza San Marco, which the Austrian band was leaving with some soldiers as usual, in order to relieve guard. For the purpose of hearing the music I followed the band, so that I may say I was between them and the soldiers who were behind, and who were headed by an officer with a drawn sword. We passed through a broad street and then entered the Via dei Martelli. Here, as the street was very narrow and the people who were following the band were numerous, indeed I may say that at this point there was a complete crowd, I kept on the side of the Convent degli Scolopi, or on the right-hand side, as near the wall as I could; and when I came in front of the house of Senator Vai, as the people were pressing on me, I stood on one side to let them pass, and also the soldiers; indeed the whole party. At this time, on turning my eyes to the opposite side, I saw a young man, whom I did not know, with a wound on his head, from which blood was flowing. From a feeling of curiosity to know what had happened, I went, as soon as the street was clear, to where the young man was, under the windows of the house of Senator Vai, towards the corner of the said street, leading on to the Piazza del Duomo, and from the people who were standing about, and whom I did not know, not recognising any one of my acquaintance, I learned that he had received from the officer alluded to, who was in command of the detachment which had just passed, a sabre-cut, which, besides inflicting a wound on his forehead, had also cut the hat he had on his head, and which I saw afterwards at the hospital where the young man was conveyed. The people said he was an Englishman, which I thought likely, as he was speaking some other language than Italian; and when I saw another young man running from the one who was wounded towards the

Piazza del Duomo, I inquired the object, and was told by the people that it was the brother who was hurrying in order to recognize the officer who had inflicted the wound. The reason why the Austrian officer conducted himself in such a somewhat rigorous manner no one could tell me, and therefore I could not ascertain it; but I imagine that the affair was the work of a moment, for although I was one of the nearest spectators, I could not see whether any words passed between the officer and the wounded man, or whether they came into personal contact; but I supposed at the time, as I did not see the officer move from his post, and could not recognize him if I saw him, that he inflicted the blow by extending his arm, although the street is narrow, as already stated, and it surprises me that I did not see him strike; but I conclude that I was prevented either by the people or by the colours preceding the detachment, or by the soldiers; it is certain, however, that I did not see the blow struck. Afterwards the wounded man was conveyed to the hospital, where I followed him at some distance; and after he had been attended to, and his wound dressed, I went to his bedside to see how he was, but as he was in a slumber I did not address him; there was then lying on the bed his hat, which was white and almost new, and the front of which was as if it had been cut with a sharp instrument; and I heard that if the Englishman had not had his hat on his head he would have been killed on the spot, for it was that which alone protected him. After some time I left the hospital, and know nothing further of the affair in question.

Q. Do you know, or have you been informed, whether the said Englishman, before he was struck, had been in any way whatever offended by other Austrian soldiers in the Via dei Martelli before mentioned?—A. I know nothing of the sort.

Q. You did not really see the young Englishman alluded to struck by the Austrian officer with his sword?—A. No, Sir.

Q. You had better reflect on the importance of telling the truth, since what you have stated agrees with the evidence of one of the witnesses of the circumstance, for it appears to the Court improbable that you did not see the blow struck, as that is the most material point in the matter.—A. The reasons for not having seen it I have already stated, and I am myself surprised at it; but I am certain that what I have said is correct, and I may add as a proof, that the affair was momentary, that on the occasion neither the band nor the soldiers were stopped in their march; but although I did not see the circumstance, I am persuaded that the Austrian did strike the Englishman, since every one at the time said so; and it could not have been otherwise, because no one knew that the Englishman had been molested by any one else.

The above having been read over to, and signed and confirmed by Giuseppe Catani, he was dismissed.

(Signed) L. MARCUCCI.
G. DANESI.

On the 24th January, 1852, appeared personally, upon previous summons, Giovanni, son, as stated, of Luigi Pini, 27 years of age, born and resident in Florence, who having been sworn in the usual legal forms, was asked,—

Q. If he knew or imagined the cause of his examination?—A. I suppose, since I am not aware of having any other matter with the Court, that I am to be examined touching the affair which occurred on 29th December last in the Via dei Martelli, between an Austrian officer and an Englishman, who was wounded.

Q. What have you to say respecting that circumstance?—A. On the day in question, about 12 o'clock, more or less, I was in the Via dei Martelli, about half-way down, when I heard coming towards me the Austrian military band, which was accompanying as usual the detachment intended to relieve the guard of the city. As soon as the band had passed I stationed myself in the part where the people were, that is, between the band and the soldiers who were behind. The street being rather narrow, the people who were close by the band, I may say, in a crowd, were pressing upon each other. A few steps further on I observed an Austrian officer, who had a cap on, and was therefore at the time off duty, strike with his left hand a young man, who was on that side of him,

with a blow, which hit him on the face, and I suppose that it was given with some force, for the young man who received it staggered backwards; and I observed that as soon as he had recovered himself, another Austrian officer, who was the one at the head of the soldiers, and marching with them with his drawn sword, struck with it the same young man on the head, inflicting a wound on his forehead, from which blood began to flow in such quantities as wine from a broken bottle. I immediately ran to the assistance of the poor youth who had been so unreasonably ill-treated, since I could not find that he had offended the soldiers in any manner. Besides myself he was assisted by a gentleman who showed that he was his brother, although he could not speak Italian, and a Frenchman whom I do not know. There was also a priest, who was moreover unknown to me. There were other persons also, who witnessed the transaction like myself, but I could not discover among them any of my acquaintance. The wounded person, whom I understood to be an Englishman, signified to me his gratitude for the assistance I had afforded him, but said little, as he spoke only in his own language to his brother, who started off from us immediately in order to look at the officer who had inflicted the wound, so as to be able to recognize him, and then came back directly; and he overtook the officer at the Piazza del Duomo, because the detachment was going towards the Piazza del Gran Duca. I and the brother of the wounded man then conveyed him to the first doctor's shop, which is on the Piazza del Duomo at the corner of the Via dei Martelli; but finding that the apothecary could not treat him, we went off forthwith to the Hospital of Santa Maria Nuova, where the wounded man, having lost much blood, fainted away, and after having been brought to, was put into bed. Being present while he was attended to, I observed particularly that the wound inflicted on his forehead obliquely was rather extensive, and that the sword had cut even the hat on his head on the fore part of the brim; and I observed that it was one of those white hats without fur called "alla pagliaccia;" and from the wounded man himself as well as from those who were attending in the room, I heard that if the Englishman had not had on his head a rather stout hat, he might have been killed on the spot; but I do not know how deep the wound was as I did not see it, and therefore I cannot tell. After the young man had been put into bed I came away from the hospital, and know nothing more of the affair.

Q. Do you know, or have you been informed, if the wounded Englishman had any cause before the assault, for offending the Austrian officers in question in any way?—A. I do not know, because I have not heard whether any words whatever were exchanged between them, and I did not see that he annoyed them in any way. It may be alleged, perhaps, that on account of the great crowd, for the street where the affair took place is very narrow, the Englishman had inadvertently come into contact with one of the officers; but I did not see it, though it appears to me that this could not have been the case, because we were all in a mass—one touching the other.

Q. Can you describe the persons of the Austrian officers who ill-used the Englishman as above stated, and should you know them again if you saw them?

—A. I cannot describe them, as I did not notice them, and probably I should not be able to recognize them if I saw them again, indeed it was impossible to pay any attention because the affair was momentary, and did not even in the slightest degree retard the march either of the band or of the soldiers.

The above having been read over to and signed and ratified by the said Giovanni Fini, he was dismissed.

(Signed)

L. MARCUCCI.
G. DANESI.

On the 26th January, 1852, appeared personally, upon previous summons, Luigi, son, as stated, of Giovanni Minoccheri, deceased, aged 42 years, being married and having children, innkeeper, born and residing in the Popolo di San Marco Vecchio, outside the Porta San Gallo, who having been admonished and sworn in the usual legal forms, was asked:

Q. If he knew or imagined why he was to be examined?—A. No, Sir.

Q. If he knew or had been informed that in this city, that is, in the Via dei Martelli, a certain disagreeable occurrence had lately taken place between an Austrian officer and an English gentleman?—A. About a month ago, I do not recollect the exact date, a little after 12 o'clock in the day, I was going along the Via dei Martelli to the Discount Bank, on my own affairs,—the same is the hour when the Austrian soldiers go to relieve guard,—and I came up with them as soon as I had advanced a short distance along the street; they were preceded by the military band, which was playing, and were accompanied by many people who were between the band and the soldiers. As the street is narrow I stepped aside, to allow the troops to pass, to some steps on my left hand, that is on the side of the Convent degli Scolopi. A little above that house, the gate of which is open, and which was in front of me, there was in the street a carriage with country-people in it, drawn by a horse or mule, which was turned towards the Piazza del Duomo, that is, in that direction from the gate. I observed the band go by, and afterwards the people who were behind it, and they were crowded together, because, as before stated, the street is rather narrow. I noticed that a young man who was not known to me, and who was carrying a packet under his arm and was among the people, attempted to get round the carriage so as to continue the march with the band, as otherwise he could not have gone on further. At that moment I saw an Austrian officer raise his arm and give the young man in question a blow with his fist on his face, and almost immediately afterwards I saw another Austrian officer, who was at the head of the soldiers going to relieve guard and behind the people, raise his sword. I state this so because they appeared to me to be two different soldiers, but I cannot say exactly whether the soldier who struck the blow with his fist and the one who hit with his sword are the same persons. One thing is certain, that the blow from the sword wounded the young man on the head, and afterwards over the forehead, where it made an oblique cut sufficiently noticeable, because, after the street was clear, I observed the poor young man, who was stated to be an Englishman, bleeding profusely; and I saw also that the same blow had even cut the hat which he had on his head at the part immediately over the place of the wound, and the hat was one of those without stiffening in it, but I do not recollect whether it was white or black, but I remember very well that after the young man had been wounded, he staggered back; but whether he recovered his footing of his own accord or was assisted by the people I cannot say. I moreover did not make any observations to any one else, because I felt too much hurt at the occurrence, but I continued my way, the more so as I was unable to discover what motive had induced the officer to proceed in that barbarous manner, and whether any words had passed between the officer and the young Englishman previous to the encounter. I suppose, however, that the reason why the Englishman was attacked was because he had accidentally pushed or rubbed against the officer or some one of the other soldiers; but not to push or rub against any one in that narrow spot was impossible, nor can I believe that the young Englishman, apparently of a quiet and respectable character, would have willingly occasioned such an occurrence. As I did not recognize any of my acquaintance I cannot imagine how I was found out and brought to give evidence of this circumstance, but this is of no consequence. I may conclude by adding that the young man after he was wounded, bled profusely and was conducted to the nearest doctor's shop in the Piazza del Duomo at the corner of the said street, but I cannot say who they were who carried him off, because I did not know them; indeed I have nothing further to say, because I then went on my way towards the Discount Bank which is at the beginning of the Via Larga, in the Palazzo Riccardi, and thence following my way along that street I returned home.

Q. Can you describe the Austrian officer who struck the young Englishman with his sword, and should you be able to recognize him if you saw him again?—A. That it was an officer who struck the blow with his sword is certain, because he was in command of the detachment behind him with his drawn sword. I may state that he was in white, that is, he had a white uniform, but I do not know his rank because I did not look at his stars on the edging of his coat. From what I saw of him he appeared rather slender, but I could not describe him further or recognize him if I saw him again, because the affair was momentary and did not stop the march of the band or troops even for a single moment.

The above having been read over to and signed and ratified by the said Luigi Minoccheri, he was dismissed.

(Signed)

L. MARCUCCI.
G. DANESI.

On the 11th February, 1852, personally appeared, upon previous summons, Adelaide, the daughter, as stated, of Gabriello Bonatti, aged 14 years and marriageable, by occupation an ironing-woman, born at Lucca and residing at Florence, who having been sworn in the usual legal forms and admonished, was asked,

Q. If she knew or imagined the cause of her present examination?—A. I suppose that I have been summoned on account of the sabre-cut which an Austrian officer inflicted some time back on a young foreigner, because I know that my mistress, Elisabetta Poggiali, was examined yesterday touching the very same thing, as she told me herself, and if I ought really to be heard in the matter, the following is the little I have to say about it. About forty or fifty days back, not recollecting precisely the exact time, one morning towards noon, going along the Piazza di Barbano in company with my mistress aforesaid, we came to a broad street, and as we heard at a little distance from us the military band of the Germans playing as it was accompanying the soldiers, I know not where, we hurried on a little in order to hear it, and having soon come up with it we followed, being against the wall or very near it on the left-hand side in the place where the people were, that is, between the band and the soldiers alluded to, who were commanded by an officer of I do not know what rank because I do not understand the matter; he had his drawn sword in his right hand. We emerged from the broad street along the whole of which we had passed and entered the Via dei Martelli. As this street is very narrow the people, who were very numerous, pressed upon and pushed each other so as to be able to pass behind the band. When we had got very near the end of this street, the Via dei Martelli, and close to the passage into the Piazza del Duomo towards the wall on the left-hand side, which I and my mistress Poggiali always keep, there was a carriage standing there, drawn I think by one horse, and as the people could not have kept their way without being trodden down, they all endeavoured to pass in front of the carriage itself before the soldiers passed, and the consequence of this was a great crush, and a young man who in like manner wanted to pass as he had received a strong push from a countryman behind him, was forced to go near the officer who was in command, and whom he unfortunately touched on the arm, or rather on the left arm, for I can positively speak to that fact as the young man in question was quite close to me and my mistress. Scarcely, however, had the officer felt that he was touched or pushed against in that manner, when he raised his right arm, in the hand of which he held his drawn sword, as I have already stated, and with the sharp part of it dealt with some force a cut on the head of the said young man, and caused a large wound on his forehead, which immediately began to bleed, and cut even the hat which he had on his head, and which was one of those choice hats called *alla pagliaccia*. My mistress immediately rendered assistance to the young man, who she doubted not was a foreigner, because the people told her he was, and because he did not speak; and as my mistress was bewailing the circumstance, and I also, some people came up, and at the request of my mistress he was conducted to the nearest doctor's shop in the Piazza del Duomo, and then we went away; and further than this I have nothing to say.

Q. Can you describe and could you recognize the Austrian officer who wounded the young foreigner that was unknown to you?—A. I think the young officer was of good stature and young, but as I did not pay attention to him I cannot say any more, and I should not know him again.

Q. Had you any opportunity on the occasion in question, and before the blow was inflicted on the young man, to observe whether any other Austrian officer or officers assaulted the young man in any way?—A. I saw nothing of the sort; and indeed if I had not been close to the young man I should not have seen anything at all, because the whole was the work of a moment, and the march proceeded without being retarded for an instant.

Q. Did the young man in question offend in any way the said military officer who struck him, beyond pushing against him, as before stated?—A. No,

Sir, he never spoke either to him or to any others, and pushed against him, as I have said, only because he could not help it: and what happened to him might have happened also to my mistress and myself.

Q. Did you know any one who was present at the occurrence in question?
—A. No, Sir, with the exception of my mistress, with whom I was.

The above having been read over and confirmed by the said Adelaide Bonatti, who declared that she could not write, she was dismissed.

(Signed)

L. MARCUCCI.
G. DANESI.

No. 19.

The Hon. P. C. Scarlett to Earl Granville.—(Received February 28.)

My Lord,

Florence, February 21, 1852.

MR. MATHER has called my attention to a supposed misstatement in the newspapers, of your Lordship's speech, when questions were asked in Parliament respecting his case.

He has observed to me that he was never offered an apology from the Austrian officer who wounded him, and that therefore he could not have refused one, as stated by your Lordship.

The exact circumstances, which perhaps I did not explain sufficiently in my despatch of the 2nd of January, are as follows:—

I ascertained first from the Austrian Minister, that Prince de Liechtenstein would approve of Lieutenant Forsthübler offering an apology, providing Mr. Mather would enter into an explanation, and state also that he did not mean to insult or menace, in which case the officer would be ready to express his great regret at having used his sword under a misapprehension of Mr. Mather's supposed intention.

I determined immediately in no way to influence Mr. Mather's decision, but to ascertain his sentiments in case of such an apology being offered.

For this purpose I requested Lord Frederic Kerr, who was on a visit at my house, and Sir John Orde who is at Florence, and a connexion of my own, to go to Mather and ask him if he would accept an apology, were one offered to him on the conditions above alluded to, putting the case to him hypothetically.

To this Mr. Mather replied in the most unqualified terms, that he would not accept any apology whatever from Lieutenant Forsthübler, or from the whole Austrian army, if it were offered to him; that what he expected was justice and a proper investigation; and that he left the case entirely in my hands.

It was upon hearing the result of this interview from Lord Frederic Kerr and from Sir John Orde, that I repaired to the head-quarters of the Austrian General to decline his offer of such an apology; and I then immediately demanded, not from the Austrian authorities but from the Tuscan Government officially, a formal inquiry into the facts, according to Tuscan law.

Lord John Russell was also made to say in his speech, that Mr. Mather instituted an inquiry before the Tuscan tribunals, after refusing an apology.

The only part Mr. Mather took in the proceedings, after his own examination, was to send me a list of other witnesses he wished to have examined by the Tuscan Procuratore Regio, whose names and addresses I immediately transmitted to the Tuscan Minister of Justice.

I have, &c.

(Signed)

P. CAMPBELL SCARLETT.

No. 20.

The Hon. P. C. Scarlett to Earl Granville.—(Received March 1.)

My Lord,

Florence, February 23, 1852.

I HAVE the honour to inclose, for your Lordship's information, in corroboration of the statement in my despatch of the 21st instant, with reference to Mr. Mather's case, the copy of a letter addressed to me by Sir John Orde.

Your Lordship will understand that I did not think it desirable to offer Mr. Mather a mere apology on the part of the Austrians for the outrage which had occurred, after I had ascertained beyond a doubt, that Mr. Mather had already expressed a strong opinion against the insufficiency of such reparation, more especially as I was then and am still of opinion myself, that the offence was of too grave a character to admit of so slight a redress.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure in No. 20.

Sir John Orde to the Hon. P. C. Scarlett.

My dear Scarlett,

Casa Maquay, February 21, 1852.

WHEN you asked me to go to Mr. Mather in the hospital on the 1st January with Lord Frederick Kerr, I inquired of him whether an apology from the Austrian officer who wounded him would be a sufficient satisfaction to him. He replied that he would not take an apology from the whole army. I learned from him the whole history of the outrage, and understood that he did not raise his hands at all.

I asked him what course he thought of taking, and he said he wished to do nothing till his father came out. He was aware that you had been informed of the outrage, and my impression was, that he wished the officer to be adequately punished. Both Lord F. Kerr and myself talked to him for some time, and I am sure that Lord Frederick's conviction as well as mine was that it was useless to talk further of offering an apology.

I am fully convinced that you could not do otherwise than demand reparation, or inquiry with a view to a claim for reparation, if the case proved such as to justify it, either from the Tuscan Government or from the Austrian authorities; and then as well as after subsequent conversations with Mr. Mather, I was convinced that had you left any means untried to obtain justice for him, he would have considered you as not fulfilling the duties of your office.

I think neither Lord F. Kerr nor myself said anything about authority from you or from the Austrian commander, being fully convinced from our conversation with Mr. Mather, that he decidedly would not accept an apology if offered; but I do not believe that he would have had any objection to declare that he intended no insult.

Believe me, &c.

(Signed) J. P. ORDE.

No. 21.

The Earl of Westmorland to Earl Granville.—(Received March 6.)

My Lord,

Vienna, February 27, 1852.

I HAVE this day learnt from Prince Schwarzenberg that having received from Florence a copy of the judicial inquiry which had taken place in that city upon the injury inflicted upon Mr. Mather by an Austrian officer, he had immediately addressed a communication upon the subject to Count Buol, which would be submitted to your Lordship, and which he hoped might meet with your Lordship's approbation.

Prince Schwarzenberg stated that although this case had not officially been brought before him, he had thought the most courteous line he could adopt was to take the initiative, and to give as soon as he was enabled to do so, the explanations he had now transmitted.

As your Lordship's instructions in your despatch addressed to me on the 13th of January precluded me from taking any official step in this business, I have confined myself to the representations the details of which I have forwarded to you in my letter of the 17th instant.

I have, &c.

(Signed) WESTMORLAND.

No. 22.

*Memorandum of a Conversation between the Earl of Malmesbury and Mr. Mather.**London, March 6, 1852.*

THE Earl of Malmesbury having invited Mr. Mather in the interview which he had the honour to have with his Lordship on the 4th of March instant, to state what he deemed redress and reparation for the outrage upon his son at Florence, [Mr. Mather] begs respectfully to submit:—

1st. That some marked punishment for an act proven by the sworn evidence of impartial witnesses to have been gross and unprovoked, should be inflicted upon the offender, such as is fitting for an act of that description committed upon a British subject by an armed officer of another country at amity with Britain. What that should be it is for Lord Malmesbury, who represents British interests and British honour, and officially secures protection to British subjects abroad, to decide.

A mere apology for such an act Mr. Mather would consider of no value, but which perhaps as a national acknowledgment may be desirable. They are not words, but injurious deeds of the gravest nature that are to be redressed.

2nd. Lord Malmesbury having been pleased to indicate that he thought personal reparation should be obtained for Mr. Erskine Mather, and to desire Mr. Mather's opinion on this point, he begs to state that it is with the utmost pain that he addresses himself to it, and that nothing but the official commands of his Lordship should have made him deviate from the uniform course which he and his unfortunate son have invariably taken in this matter, of refusing to make it a personal question, but one of a higher and more important nature.

Mr. Mather taking into consideration the grievous injury inflicted; the risk of his son's life; his sufferings; the continued injury to his health; the eventual uncertainty of future results; the party that inflicted it being the officer of a Government which has been implicated by his act; and the probability that an appeal for reparation in an impartial court and on the principles universally recognized, would have produced a large amount of reparation in such a case; Mr. Mather names to his Lordship 5000*l.* as what seems to him under all these circumstances, just and proper, and is not overvaluing the injury and its probable consequences to his son.

Mr. Mather again begs to repeat to his Lordship that this is the most painful part of the duty imposed upon him in all the trying circumstances with which this unfortunate affair has been attended, and that respect for the views and wishes of Lord Malmesbury have alone induced him to express an opinion upon this point of the question.

No. 23.

*Mr. Mather to the Earl of Malmesbury.**London, March 6, 1852.*

THE Earl of Malmesbury would greatly oblige Mr. Mather by forwarding the copy of his memorandum left with his Lordship this morning, to him at the inclosed address, where also any commands of his Lordship will reach him for the next fortnight.

No. 24.

Mr. Harris to Mr. Mather.

Sir,

Foreign Office, March 8, 1852.

IN answer to your request for a copy of your memorandum of the 6th I am directed by Lord Malmesbury to inclose you a copy thereof, and to state that his Lordship is not clear whether, with reference to pecuniary com-

pensation, you have written 5000 pounds or 5000 scudi, consequently a mark has been made in the accompanying copy opposite the expression alluded to.

Lord Malmesbury is fully persuaded, from the patriotic tenor and spirit of your memorandum, that the amount of compensation would have less weight with you than the obtaining of a practical admission from the Grand Ducal Government that it is responsible for the security of British residents and travellers in Tuscany.

Lord Malmesbury hopes you will answer him on the doubtful point mentioned.

I have, &c.
(Signed) G. HARRIS.

No. 25.

Mr. Mather to the Earl of Malmesbury.

My Lord,

London, March 9, 1852.

THE copy of my memorandum, accompanied by a note from your Lordship's secretary, I received last night.

The imperfect writing I regret has rendered illegible that 5000*l.* (pounds sterling) was the amount specified.

And when your Lordship considers that the deed for which redress and reparation are demanded, nearly deprived in the most barbarous manner an innocent British subject of his life; that for ten days life and death hung equal in the balance; that for nearly three weeks he was confined to the hospital; that he at present lingers in Italy a frequent prey to symptoms that are very disheartening, and that the evil results may be permanent and disabling; also that this deed was committed by the officer of a Government then on its service, implicating that Government; and against all laws, civil, criminal, and international; that in a private case for such injury such a demand would have been reasonable and just; and that being committed by a Government through its officer, the Government sustaining that officer, does not lessen, but rather enhances, the crime, its consequences, and its responsibilities; your Lordship then cannot but deem the amount a just one.

Since it is your Lordship's pleasure that the question of personal reparation is to be entertained, you will doubtless do it in the spirit of justice and in view of the whole circumstances of the case.

If the reparation is not to be co-equal or not to bear any proportion to the deed, the word will convey a false idea, and some other term should be employed. It would then have been far better for this point to have been omitted. Willingly would I have given the sum to have saved him and my family from this evil.

"The security of British residents and travellers in Tuscany" will be obtained, I respectfully submit to your Lordship, by something more than a mere "practical admission" of responsibility.

That responsibility was admitted in the Law of Nations and the relative condition of the two countries previous to the perpetration of this deed; and it is late, my Lord, to ask merely for its practical admission. It would be a practical admission on our part, I am afraid, that the responsibility of the Grand Ducal Government was very limited indeed.

In the present excited temper of the military occupiers of Tuscany, with regret I write it, the luxury of insulting and injuring British subjects should not be made too accessible, and the temptation to its free indulgence too evident, or it may not be the last case of the kind with which your Lordship may have to deal. A real reparation, and not the shadow of one, in this case will probably be one of the best guarantees for the future security of our countrymen in Tuscany.

If I have not been misinformed, your Lordship will probably find less difficulty here than on some other points of the case that are more complicated.

I feel grateful for your Lordship's just appreciation of the motives that actuate us in this grievous affair, and have felt myself more justified freely but

respectfully to remark on the points that have presented themselves in the communication from your Lordship.

I have re-inclosed the copy of the memorandum, which I respectfully request may be put right, and the slight verbal inaccuracies which are marked on the slips attached to it, corrected.

I have, &c.
(Signed) JAMES MATHER.

No. 26.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

Sir, *Foreign Office, March 9, 1852.*

THE sum asked by Mr. Mather is exorbitant, but you will be able to judge what can be got. A pecuniary compensation is at least tangible. You must hold firm language on both subjects. I do not think we should take less than 1000*l*. If however you get the Tuscan Government to admit that some compensation is due, it will not be very difficult for us to fix the sum.

I am, &c.
(Signed) MALMESBURY.

No. 27.

Mr. Harris to Mr. Mather.

Sir, *Foreign Office, March 10, 1852.*

AGREEABLY to Lord Malmesbury's orders, I return you a copy of your memorandum of the 6th instant, corrected in the manner pointed out by you.

However, I beg to observe that each and all the inaccuracies so corrected, with the exception of the wrong spelling of your name, existed in your original memorandum, of which they in no respect affected the general sense, save in the point of pounds or scudi.

I am, &c.
(Signed) G. HARRIS.

No. 28.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

Sir, *Foreign Office, March 12, 1852.*

I HAVE to acknowledge the receipt of your despatch of the 19th of February, inclosing copies of the depositions taken by the Tuscan authorities in regard to the outrage committed on Mr. Erskine Mather by an Austrian officer, in the streets of Florence, on the 29th of December last; and I now transmit to you the draft of a note which you will forthwith present to the Tuscan Minister for Foreign Affairs on this matter.

I am, &c.
(Signed) MALMESBURY.

Inclosure in No. 25.

Note to be presented by Mr. Scarlett to the Tuscan Government.

THE Undersigned, &c., has been instructed to state to the Duke of Casighiano, &c., that Her Majesty's Government have attentively considered the depositions of the witnesses to the outrage committed on Mr. Mather, which were confidentially communicated by the Tuscan Minister of Justice to the

Undersigned on the 15th of February, and which were thereupon transmitted by the Undersigned to Her Majesty's Government.

Although it would unquestionably have been more satisfactory to Her Majesty's Government, and in their opinion more conducive to the ends of justice, if the party aggrieved had been allowed to be present, either in person or by his advocate, during the examination of the various witnesses, yet as it is stated that such a course would have been inconsistent with the practice observed in Tuscany in regard to such matters, Her Majesty's Government are content to take the evidence as it has been communicated to them, and they readily admit that as far as they can judge by the documents, the Tuscan authorities engaged in the inquiry appear to have been actuated by a sincere desire to elicit the truth.

Now the evidence which has thus been obtained conclusively establishes that a most unprovoked outrage was committed on an unarmed and unoffending British subject by an officer in command of a military party acting for Tuscan purposes in the Tuscan Dominions. But for all acts of authority done in Tuscany, whether by persons directly in the service of the Grand Duke, or by persons deriving their authority in Tuscany from treaty engagements entered into by the Grand Duke, the Tuscan Government is alone responsible; and Her Majesty's Government can look only to the Grand Ducal Government for redress, when the unjustifiable conduct of any person either directly or indirectly in the Tuscan service has occasioned injury to a British subject.

Her Majesty's Government are therefore constrained to state that they have been disappointed at not receiving from the Tuscan Government, simultaneously with the communication of the evidence in the present case, a spontaneous offer of ample reparation for the grievous injury done to Mr. Mather; but Her Majesty's Government have such entire confidence in the honourable and just sentiments by which the Grand Duke of Tuscany is distinguished, that they are satisfied that the Government of Tuscany must be anxious to mark their abhorrence of this outrage inflicted upon an innocent individual, by a becoming reparation.

But although Her Majesty's Government cannot but admit that in regard to this matter the position of the Tuscan Government is peculiar, inasmuch as the outrage upon Mr. Mather was committed by an Austrian officer, who himself is only amenable to the martial law of Austria, Her Majesty's Government nevertheless cannot permit the Tuscan Government to repudiate the responsibility of an independent State to protect the subjects of foreign Powers residing peaceably in the territory of that State, on the plea that there is no tribunal in Tuscany competent to take cognizance of complaints preferred by such persons.

Tuscany assumes to exercise the privileges of an independent State. As the Sovereign of an independent State, the Grand Duke has accredited Prince Poniatowski as his Minister at the Court of England; and His Imperial and Royal Highness has moreover recently intimated his intention, if necessary, formally to refuse to receive a specific Minister appointed by the Queen to reside as her Representative at the Grand Ducal Court, alleging that in so refusing he would be merely exercising a right inherent in all independent States.

It is therefore necessary to impress upon the Tuscan Government that Her Majesty's Government cannot admit the right of Tuscany to claim the privilege of an independent State, and at the same time to be relieved from the corresponding obligations which attach to that political position.

In the case of Mr. Mather the Tuscan Government does not pretend to say that that gentleman, when he was so grievously wounded by the Austrian officer, was violating any Tuscan law, or affording any the least provocation for the injury done to him. The evidence taken by the Tuscan authorities themselves clearly establishes Mr. Mather's innocence; and even if Her Majesty's Government could take a lenient view of the conduct of the Austrian officer, and consider the blow inflicted by him as the result of a misapprehension on his part, still it would be impossible for Her Majesty's Government to release the Tuscan Government from the performance of an international duty by making reparation to Mr. Mather for the personal insult and bodily suffering which he has sustained.

It now becomes necessary for Her Majesty's Government to point out in what that reparation should consist, and it may facilitate the settlement of this question on the part of the Tuscan Government if they are informed that the

father of Mr. Mather (who is a minor) is himself inclined to consider that the injury done to his son may be atoned for by a pecuniary payment on the part of the Tuscan Government. On this point the Undersigned is instructed to state to the Duke of Casigliano that Her Majesty's Principal Secretary of State for Foreign Affairs having heard from Mr. Mather's father, subsequently to that gentleman's return to England from visiting his son at Florence, the representations which he had to make upon the subject of the injury done to his son, requested him to put in writing the nature of the reparation which he demanded on behalf of his son, who is under age; and Her Majesty's Secretary of State shortly afterwards received from Mr. Mather's father a statement that he would be satisfied if a sum of 5000*l.* was paid to his son.

Her Majesty's Government, however, consider that sum to be greater than they ought to demand of the Tuscan Government to pay.

The Undersigned is therefore instructed to state to the Duke of Casigliano that Her Majesty's Government expect and require that a sum proportionate to the sufferings and indignity inflicted on Mr. Mather, jun., should be paid to his father as compensation for the outrage inflicted on his son.

The Undersigned is directed in conclusion to state to the Duke of Casigliano, that Her Majesty's Government are much concerned at being compelled to make this demand, and that they earnestly hope that the Tuscan Government by promptly complying with it will endeavour as speedily as possible to obliterate the recollection of a transaction which must have given as much pain to the Grand Ducal as to Her Majesty's Government, and which, while unrepaid, must tend seriously to compromise the good understanding between the two Governments.

The Undersigned, &c.

No. 29.

The Earl of Malmesbury to the Earl of Westmorland.

My Lord,

Foreign Office, March 16, 1852.

I HEREWITH transmit to your Lordship for your information, copy of a despatch* from Her Majesty's Chargé d'Affaires at Florence, reporting the results of the investigation into the circumstances of the outrage committed on Mr. Mather, together with a copy of my reply.†

I am, &c.

(Signed) MALMESBURY.

No. 30.

Marshal Radetzky to Prince Schwarzenberg—(Communicated to the Earl of Malmesbury by Count Buol.)

Vérone, 13 Février, 1852.

EN me référant à mon rapport du 3 du mois dernier, par lequel j'ai eu l'honneur de porter à la connaissance de votre Altesse le fâcheux incident qui a eu lieu entre le Premier-Lieutenant Forsthüber, du Régiment d'Infanterie Comte Kinsky, et le Sieur Mather, sujet Anglais, je m'empresse de lui annoncer aujourd'hui le résultat de l'enquête qui j'ai fait ouvrir sur cette affaire.

Le 29 Décembre deroier, le Premier-Lieutenant Forsthüber marchant à la tête de sa troupe commandée pour occuper le poste du Château, traversait une rue étroite. En ce moment l'Anglais Mather vint se placer entre la musique et le commandant du poste. Celui-ci, gêné dans sa marche, lui fit signe d'avoir à se retirer, d'abord par une légère pression du plat de son sabre, puis de la main gauche, le premier avertissement étant resté sans effet. En se conformant à cette injonction, le Sieur Mather heurta, en apparence sans le vouloir, le Lieutenant Baion do Karg, qui, sans être de service, marchait à côté de la troupe. Ce dernier eut l'imprudence de le frapper d'un coup de poing à la figure. L'Anglais irrité se tourna, menaçant, et le poing levé à la manière des boxeurs, contre le

* No. 18.

† No. 28.

Premier-Lieutenant Forsthüher en s'avancant vers lui ; alors celui-ci, craignant d'être en butte à une insulte infamante, dont il a dû nécessairement se garantir, lui porta aussitôt un coup à la tête du tranchant de son sabre. Le Sieur Mather, dont la blessure du reste ne présentait aucune gravité, fut transporté à l'hôpital.

Bien que les personnes du civil entendues comme témoins par les autorités Toscane, ne représentent pas le fait exactement comme il vient d'être raconté, en ce qu'elles prétendent n'avoir rien remarqué ou du moins ne s'être pas aperçues de l'attitude menaçante prise par le nommé Mather contre le Premier-Lieutenant Forsthüher, cette circonstance n'en est pas moins démontrée par les dépositions des militaires, et elle est d'autant moins douteuse, que tous les témoins appartenant au civil affirment que Mather marchait entre la musique et la troupe, et que l'un d'eux déclare expressément avoir remarqué qu'une vive dispute avait eu lieu entre lui et le commandant.

Le caractère et les antécédens du Premier-Lieutenant Forsthüher ne me permettant point de supposer qu'il ait agi sans motif suffisant, je suis d'avis que cet officier a été parfaitement dans son droit et qu'il n'a fait absolument que ce qu'il a dû faire pour se prémunir contre un outrage et ses conséquences inévitables.

Cela étant, mon opinion est, sauf meilleur avis, que la conduite du Premier-Lieutenant Forsthüher est pleinement justifiée. Malheureusement je ne puis en dire autant du Lieutenant Baron de Karg, qui, en frappant l'Anglais au visage sans motif, a dû l'exciter à une colère facile à expliquer, et doit, par conséquent être considéré comme étant la cause principale du geste menaçant fait par ce dernier.

Bien qu'en général les antécédens du Lieutenant Baron de Karg soient également tout-à-fait irréprochables, et que l'action de cet officier, homme comme il faut d'ailleurs, ne puisse assurément être attribuée qu'à de la précipitation, j'ai dû néanmoins le faire mettre aux arrêts pour huit jours.

(Translation.)

Verona, February 13, 1852.

REFERRING to my report of the 3rd ultimo, by which I had the honour to communicate to your Highness the disagreeable affair which had taken place between First-Lieutenant Forsthüher, of the Kinsky Regiment of Infantry, and Mr. Mather, an English subject, I hasten now to announce to you the result of the inquiry which I caused to be instituted into this matter.

On the 29th of December last, First-Lieutenant Forsthüher, marching at the head of his detachment directed to occupy the post at the Palace, was passing through a narrow street. At that instant the Englishman Mather placed himself between the band and the commander of the detachment. The latter, inconvenienced in his advance, intimated to him to withdraw, first by a slight pressure with the flat of his sword, and afterwards with his left hand, the first intimation having been ineffectual. In complying with this injunction, Mr. Mather, apparently without intention, knocked against Lieutenant Baron de Karg, who, not being on duty, was walking by the side of the detachment. The latter had the imprudence to strike him a blow in the face with his fist. The Englishman, irritated, turned round, in a threatening attitude, and with his fist uplifted after the manner of boxers, against First-Lieutenant Forsthüher, towards whom he advanced; when the latter, fearing to be exposed to a dishonouring insult, from which it necessarily behoved him to secure himself, struck him immediately a blow on the head with the edge of his sabre. Mr. Mather, whose wound moreover did not seem serious, was carried to the hospital.

Although the civilians heard as witnesses by the Tuscan authorities do not represent the matter exactly as I have stated it, inasmuch as they pretend not to have remarked, or at least not to have perceived the menacing attitude assumed by Mr. Mather against First-Lieutenant Forsthüher, that circumstance is not the less proved by the depositions of the soldiers; and there is the less doubt attaching to it, inasmuch as all the civilian witnesses assert that Mather was walking between the band and the detachment, and one of them expressly declares that he had observed that a sharp dispute had taken place between him and the officer in command.

The character and previous conduct of First-Lieutenant Forsthüher not

allowing me to suppose that he acted without sufficient reason, I am of opinion that that officer was perfectly in the right, and that he absolutely did nothing but what he was bound to do to defend himself from an outrage and its inevitable consequences.

That being the case, it is my opinion that, saving better information, the conduct of First-Lieutenant Forsthüser is fully justified. Unfortunately I cannot say so much for Lieutenant Baron de Karg, who, by striking an Englishman in the face, without cause, necessarily excited in him a degree of passion easily to be accounted for, and who must consequently be considered as being the principal cause of the menacing gesture of Mr. Mather.

Although in general the previous conduct of Lieutenant Baron de Karg is equally altogether blameless, and although the proceeding of that officer, who is moreover well-conducted, cannot assuredly be attributed to anything but hastiness, I have nevertheless caused him to be put under arrest for a week.

No. 31.

Prince Schwarzenberg to Count Buol.—(Communicated to the Earl of Malmesbury by Count Buol.)

(Extract.)

Vienne, le 12 Mars, 1852.

LORD WESTMORLAND m'a entretenu à différentes reprises du regrettable incident dont Mr. Mather a été victime à Florence. Ce que sa Seigneurie m'a dit de l'impression que cet incident avait produite en Angleterre, a dû me prouver que le public Anglais s'était complètement mépris sur sa véritable nature.

Il paraît qu'on tend à représenter le coup de sabre dont Mr. Mather a été frappé comme un outrage que l'officier Autrichien qui a eu le malheur de le blesser, lui aurait fait avec préméditation, et dans le but de donner carrière à un sentiment de haine nationale. Rien n'est plus contraire à la vérité que cette manière d'envisager l'affaire. Elle n'a été que le produit d'un concours de circonstances fortuites et malheureuses, qui sont exactement retracées dans le rapport que j'ai eu l'honneur de transmettre en copie à votre Excellence par ma dépêche du 25 Février dernier, et aucun sentiment de haine nationale n'y a eu la moindre part, puisque ce sentiment, j'ose l'affirmer, malgré tous les événements qui auraient pu le provoquer dans le cours des dernières années, n'existe pas en Autriche à l'égard de l'Angleterre.

L'individu blessé à Florence était parfaitement inconnu à l'officier, qui l'a frappé en se croyant menacé d'une insulte. Lorsqu'on a su plus tard que c'était un Anglais, les regrets sincères que cet incident était fait pour nous inspirer se sont encore accrus.

Vous êtes autorisé, M. le Comte, à donner lecture de cette dépêche au Comte de Malmesbury.

(Translation.)

(Extract.)

Vienna, March 12, 1852.

LORD WESTMORLAND has spoken to me at different times respecting the lamentable event of which Mr. Mather has been the victim at Florence. What his Lordship told me in regard to the impression which this event had produced in England, proved to me that the English public was completely mistaken as to its true character.

It appears that there is a tendency to represent the sword-cut by which Mr. Mather was struck, as an outrage which the Austrian officer who had the misfortune to wound him, had inflicted on him designedly, and with the view of giving vent to a feeling of national hatred. Nothing is more contrary to the truth than this way of looking at the affair. It was merely the result of fortuitous and unfortunate circumstances which are exactly detailed in the report which I had the honour to transmit in copy to your Excellency by my despatch of the 25th of February last, and no feeling of national animosity had the smallest share in it, since that feeling, I venture to affirm, notwithstanding

all the events which in the course of the last years might have called it forth, does not exist in Austria in regard to England.

The individual wounded in Florence was wholly unknown to the officer, who struck him supposing that he was menaced with an insult. When it was subsequently known that it was an Englishman, the sincere regret which that event was calculated to occasion was still further increased.

You are authorized, M. le Comte, to read this despatch to the Earl of Malmesbury.

No. 32.

The Earl of Westmorland to the Earl of Malmesbury.—(Received March 22.)

(Extract.)

Vienna, March 15, 1852.

PRINCE SCHWARZENBERG read to me the despatch which in conformity with the promise he had given me, he had addressed to Count Buol on the 12th instant, on the affair of Mr. Mather, and which he hoped your Lordship would be satisfied with.

No. 33.

The Earl of Malmesbury to the Earl of Westmorland.

My Lord,

Foreign Office, March 20, 1852.

I SEND an answer to Prince Schwarzenberg's despatch to Count Buol on the subject of Mr. Mather.

I hope you will press at Vienna that they should assist us at Florence in the just demand we make for pecuniary compensation to this gentleman.

If the transaction was the result of accidental circumstances, the man aggrieved is entitled to a compensation measured in amount both by the extent of his suffering and the means of the offending party.

I have, &c.
(Signed) MALMESBURY.

No. 34.

The Earl of Malmesbury to the Earl of Westmorland.

(Extract.)

Foreign Office, March 23, 1852.

I HAVE to inform your Lordship that Count Buol has read to me the despatch written to him by Prince Schwarzenberg, dated Vienna, March 12, expressing his Highness' regret at the unfortunate circumstances resulting in the severe injury of Mr. Mather.

Her Majesty's Government entirely agree with his Highness that there is no reason to believe that any national feeling of animosity to Englishmen moved the Austrian officer on duty to repel so hastily and with such violence an anticipated affront from an unarmed man. It is equally certain that no object of private or personal malice provoked the act.

Assuming therefore with his Highness that it was caused by a "concourse of fortuitous and unfortunate circumstances" (concours de circonstances fortuites et malheureuses), it is nevertheless the duty of the Tuscan Government, on whose territory these occurred, to present the sufferer with such a pecuniary compensation as he would have obtained in his own country if his life had been endangered either by a premeditated or an accidental injury. With the conviction that such a demand is consonant with those principles of justice and humanity which are equally binding to nations and individuals, Her Majesty's Government has required of the Tuscan Government this reparation for the severe sufferings and great peril which Mr. Mather has experienced.

Your Lordship will read this despatch to Prince Schwarzenberg.

No. 35.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

Sir,

Foreign Office, March 23, 1852.

I INCLOSE for your information a copy of a despatch* which I have addressed to the Earl of Westmorland respecting Mr. Mather's case.

I am, &c.

(Signed) MALMESBURY.

No. 36.

Mr. Mather to the Earl of Malmesbury.

My Lord,

The Grove, Westoe, South Shields, March 27, 1852.

I HAVE the honour to inclose a note from my son, which I do, as it approves of the opinions which I submitted to your Lordship in his case.

As I presume the matter is well advancing under your Lordship's auspices and direction, next week, by which time I trust to have finished my canvass and election business here for the present, I hope to have the honour again of paying my respects to your Lordship at the Foreign Office.

I have, &c.

(Signed) JAMES MATHER.

Inclosure in No. 36.

Mr. E. Mather to his Father.

My dear Father,

Genoa, March 21, 1852.

THROUGH some stupidity at the Post Office your letter of the 9th instant, inclosing copies of part of the correspondence between yourself and Lord Malmesbury, got to us but this morning.

Now, as he has asked you, has the time come for reparation, and you on his command having done what must have been so painful to you and feels so to myself, it remains with him to arrange the matter as the honour of England requires and the seriousness of the case deserves.

What his secretary meant in his acknowledgment of your memorandum left with my Lord, it would be difficult to say.

However, you have given your opinion and mine, and every step that it is necessary to pursue will be done by those whose duty it is to look after the lives and interests of Englishmen, wherever they may be.

Mr. Pinkett says it is rumoured the report has arrived from Vienna, and is not satisfactory to us. That, however, is but of little importance, as far as the truth of the matter goes, the evidence being the point.

We are both pretty well, although I feel still a little irritable myself, the bone and the flesh on the wound still seeming to adhere.

Weather pretty good, but cold in the evening.

Best love from Tom and myself to all at home.

I am, &c.

(Signed) ERSKINE MATHER.

P.S.—I believe I mentioned we got the note from uncle.

I hope you are perfectly well yourself.

E. M.

* No. 34.

No. 37.

The Earl of Westmorland to the Earl of Malmesbury.—(Received April 5.)

(Extract.)

Vienna, March 30, 1852.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 23rd instant, replying to one from Prince Schwarzenberg, dated the 12th instant, which was read to you by Count Buol, and in which his Highness expressed his regret at the unfortunate circumstances resulting in the severe injury of Mr. Mather.

In compliance with the instructions contained in that despatch, I read it to Prince Schwarzenberg.

With respect to the pecuniary compensation demanded of the Tuscan Government by Mr. Mather, Prince Schwarzenberg declined to enter officially upon the subject, as he considered it to concern an independent Government.

No. 38.

The Hon. P. C. Scarlett to the Earl of Malmesbury.—(Received April 5.)

(Extract.)

Florence, March 28, 1852.

WITH reference to your Lordship's despatch of the 12th instant, relating to Mr. Mather's claim, which reached me by Queen's messenger Webster on the 17th instant, I addressed a note on the 18th instant to the Duke of Casigliano, according to instructions, in the precise terms of the draft furnished me by your Lordship, a copy of which I have the honour to inclose.

On the following day I called on his Excellency. I also saw on the same occasion the Minister of the Interior. I represented to the Minister for Foreign Affairs that Her Majesty's Government did not expect so large a compensation for the injury sustained by Mr. Mather as 5000 pounds, for which sum he had asked; but that the Tuscan Government was considered responsible for the outrage, and would be expected to pay some indemnity, the terms of which could be brought within proper limits by negotiation.

The impression produced by my note upon the Tuscan Government at first appeared to be one of infinite surprise. The Minister of the Interior said he was not prepared for any claim being put forward of a pecuniary character, as a reparation for the offence, and still less for such an exorbitant demand; but both Ministers seemed then disposed to submit the demand to their colleagues in Council, and to give it due consideration.

Several days after I again saw the Duke of Casigliano, who informed me that he should shortly reply to my note officially, but intimated at once his conviction that Tuscany could not be legally called upon to pay any indemnity whatever to Mr. Mather, as Tuscany had no jurisdiction over the Austrian officer; that she was not the responsible party; and that it was for Austria alone to grant reparation if it was due.

I of course combated this argument, and informed the Duke that his repudiation of responsibility would not be thought by Her Majesty's Government a sufficient reason for renouncing the right to demand a pecuniary indemnity, and I begged him to consider well the embarrassment which might ensue if he and his colleagues adhered to this course.

The Duke of Casigliano replied by assuring me that the Tuscan Government desired nothing more than to be on the best terms with England; but that with regard to the Mather case the Cabinet had unanimously resolved that there was no ground for admitting the principle of responsibility at all, and that it would therefore be unjustifiable to demand any pecuniary compensation for Mather from Tuscany.

Last night I received the official reply to my note (a copy of which is herewith inclosed), by which your Lordship will perceive that the Tuscan Government denies all responsibility where offences are committed by an auxiliary force not amenable to Tuscan law in Tuscany; at the same time

maintaining that such a proceeding is not in the least a renunciation of the sovereignty and independence of the country.

I called again to-day on Baron de Hügel, to whom the note of the Tuscan Government had been shown before I received it. He repeated his belief of the irresponsibility of the Tuscan Government, but appeared fully impressed with the expediency of arranging the affair without delay. He observed that in a few days he should receive instructions from Vienna, and possibly on this subject, in which case he would communicate with me as soon as possible.

It appears to be generally known in Florence, that Mather has made a large pecuniary claim on the Tuscan Government; and as he treated indignantly, when here, any such imputation, your Lordship will not be surprised to hear that the sympathy which was previously evinced in his favour has much abated.

Inclosure 1 in No. 38.

The Hon. P. C. Scarlett to the Duc de Casigliano.

Florence, March 18, 1852.

THE Undersigned, &c., has been instructed to state to the Duke of Casigliano, &c., that Her Majesty's Government have attentively considered the depositions of the witnesses to the outrage committed on Mr. Mather, which were confidentially communicated by the Tuscan Minister of Justice to the Undersigned, on the 15th of February, and which were thereupon transmitted by the Undersigned to Her Majesty's Government.

Although it would unquestionably have been more satisfactory to Her Majesty's Government, and in their opinion more conducive to the ends of justice, if the party aggrieved had been allowed to be present, either in person or by his advocate, during the examination of the various witnesses, yet as it is stated that such a course would have been inconsistent with the practice observed in Tuscany in regard to such matters, Her Majesty's Government are content to take the evidence as it has been communicated to them; and they readily admit as far as they can judge by the documents, that the Tuscan authorities engaged in the inquiry appear to have been actuated by a sincere desire to elicit the truth.

Now the evidence which has thus been obtained conclusively establishes that a most unprovoked outrage was committed on an unarmed and unoffending British subject by an officer in command of a military party, acting for Tuscan purposes in the Tuscan Dominions. But for all acts of authority done in Tuscany, whether by persons directly in the service of the Grand Duke, or by persons deriving their authority in Tuscany from treaty engagements entered into by the Grand Duke, the Tuscan Government is alone responsible; and Her Majesty's Government can look only to the Grand Ducal Government for redress, when the unjustifiable conduct of any person either directly or indirectly in the Tuscan service has occasioned injury to a British subject.

Her Majesty's Government are therefore constrained to state that they have been disappointed at not receiving from the Tuscan Government, simultaneously with the communication of the evidence in the present case, a spontaneous offer of ample reparation for the grievous injury done to Mr. Mather; but Her Majesty's Government have such entire confidence in the honourable and just sentiments by which the Grand Duke of Tuscany is distinguished, that they are satisfied that the Government of Tuscany must be anxious to mark their abhorrence of this outrage inflicted upon an innocent individual, by a becoming reparation.

But although Her Majesty's Government cannot but admit that in regard to this matter the position of the Tuscan Government is peculiar, inasmuch as the outrage upon Mr. Mather was committed by an Austrian officer, who himself is amenable only to the martial law of Austria, Her Majesty's Government nevertheless cannot permit the Tuscan Government to repudiate the responsibility of an independent State to protect the subjects of foreign Powers residing peaceably in the territory of that State, on the plea that there is no tribunal in Tuscany competent to take cognizance of complaints preferred by such persons.

Tuscany assumes to exercise the privileges of an independent State. As

the Sovereign of an independent State, the Grand Duke has accredited Prince Poniatowski as his Minister at the Court of England; and His Imperial and Royal Highness has moreover recently intimated his intention, if necessary, formally to refuse to receive a specific Minister appointed by the Queen to reside as her Representative at the Grand Ducal Court, alleging that in so refusing he would be merely exercising a right inherent in all independent States.

It is therefore necessary to impress upon the Tuscan Government that Her Majesty's Government cannot admit the right of Tuscany to claim the privilege of an independent State, and at the same time to be relieved from the corresponding obligations which attach to that political position.

In the case of Mr. Mather, the Tuscan Government does not pretend to say that that gentleman, when he was so grievously wounded by the Austrian officer, was violating any Tuscan law, or affording any the least provocation for the injury done to him. The evidence taken by the Tuscan authorities themselves clearly establishes Mr. Mather's innocence; and even if Her Majesty's Government could take a lenient view of the conduct of the Austrian officer, and consider the blow inflicted by him as the result of a misapprehension on his part, still it would be impossible for Her Majesty's Government to release the Tuscan Government from the performance of an international duty, by making reparation to Mr. Mather for the personal insult and bodily suffering which he has sustained.

It now becomes necessary for Her Majesty's Government to point out in what that reparation should consist; and it may facilitate the settlement of this question on the part of the Tuscan Government, if they are informed that the father of Mr. Mather (who is a minor) is himself inclined to consider that the injury done to his son may be atoned for by a pecuniary payment on the part of the Tuscan Government. On this point the Undersigned is instructed to state to the Duke of Casigliano, that Her Majesty's Principal Secretary of State for Foreign Affairs having heard from Mr. Mather's father, subsequently to that gentleman's return to England from visiting his son at Florence, the representations which he had to make upon the subject of the injury done to his son, requested him to put in writing the nature of the reparation which he demanded in behalf of his son, who is under age; and Her Majesty's Secretary of State shortly afterwards received from Mr. Mather's father a statement that he would be satisfied if a sum of 5000*l.* was paid to his son.

Her Majesty's Government, however, consider that sum to be greater than they ought to demand of the Tuscan Government to pay.

The Undersigned is therefore instructed to state to the Duke of Casigliano that Her Majesty's Government expect and require that a sum proportionate to the sufferings and indignity inflicted on Mr. Mather, junior, should be paid to his father, as compensation for the outrage inflicted on his son.

The Undersigned is directed in conclusion to state to the Duke of Casigliano, that Her Majesty's Government are much concerned at being compelled to make this demand; and that they earnestly hope that the Tuscan Government by promptly complying with it, will endeavour as speedily as possible to obliterate the recollection of a transaction which must have given as much pain to the Grand Ducal as to Her Majesty's Government, and which, while unrepaired, must tend seriously to compromise the good understanding between the two Governments.

The Undersigned, &c.

(Signed)

P. CAMPBELL SCARLETT.

Inclosure 2 in No. 38.

The Duc de Casigliano to the Hon. P. C. Scarlett.

Florence, ce 27 Mars, 1852.

LE Soussigné, Ministre Secrétaire d'Etat au Département des Affaires Etrangères de Son Altesse Impériale et Royale Monseigneur le Grand Duc de Toscane, a reçu la note que le Chargé d'Affaires d'Angleterre lui a adressée le 18 du courant mois, pour lui communiquer les instructions de son Gouvernement, après l'examen que ce dernier a fait des pièces transmises confidentielle-

ment à la Légation Britannique par le Ministère Grand-Ducal de la Justice, sur l'incident qui a eu lieu à Florence entre Mr. Mather, sujet Anglais, et un officier faisant partie de la troupe auxiliaire Autrichienne.

Ces pièces n'avaient point d'autre portée que celle d'éclaircir les faits, et c'est effectivement à la vérification de ces derniers que devait se borner l'action du Gouvernement Grand-Ducal.

En s'empressant de communiquer confidentiellement les dites pièces à la Légation Britannique, le Gouvernement Grand-Ducal a donné une nouvelle preuve des excellens rapports qu'il aime à entretenir avec celui de Sa Majesté la Reine de la Grande Bretagne, et de son désir de contribuer à la découverte de la vérité.

Le Soussigné se plaît à reconnaître que cette justice lui est entièrement rendue par le Cabinet de Saint James.

Etant dans la plénitude de son indépendance, qui lui est assurée par les traités, le Gouvernement Grand-Ducal tient à l'exercice de tous les droits qui lui appartiennent; ne pense pas qu'on puisse les révoquer en doute; et ne décline nullement toute juste responsabilité qui en est la conséquence.

Il ne croit cependant point qu'on puisse étendre cette responsabilité jusqu'aux actes des individus appartenant à la troupe auxiliaire Autrichienne, et ne saurait admettre le principe qui est posé dans la note du Chargé d'Affaires d'Angleterre.

Le Gouvernement Britannique n'ignore pas que les militaires qui font partie de toute troupe auxiliaire sont soumis à leur propre juridiction; que cette dernière les suit partout dans les pays où ils prêtent leur appui au Gouvernement; et que le cas actuel rentrant complètement dans la catégorie ci-dessus énoncée, le Gouvernement Grand-Ducal ne peut aucunement être responsable des actes d'individus qui ne sont point soumis à sa propre juridiction et qu'il n'a pas l'autorité de punir.

Le Soussigné s'empresse à constater que cette position, qui n'attaque d'aucune manière l'indépendance de l'Etat, est propre de tout pays qui reçoit le secours d'une troupe auxiliaire, et ne peut douter que le Gouvernement de Sa Majesté Britannique hésite à en être convaincu.

Pour ce qui concerne ensuite la seconde partie de la note qui a trait à l'indemnité pécuniaire réclamée par le père de Mr. Mather, le Gouvernement Grand-Ducal doit se borner à en relever l'extravagante et inconvenante énormité, qui est d'ailleurs reconnue par le Ministère Britannique lui-même, et en repoussant le principe, ne saurait en admettre les conséquences.

Le Soussigné saisit, &c.

(Signé) LE DUC DE CASIGLIANO.

(Translation.)

Florence, March 27, 1852.

THE Undersigned, &c., has received the note which the Chargé d'Affaires of England addressed to him on the 18th instant, in order to communicate to him the instructions of his Government, after its examination of the documents confidentially transmitted to the British Legation by the Grand Ducal Ministry of Justice, upon the affair which had occurred at Florence between Mr. Mather, an English subject, and an officer belonging to the Austrian auxiliary force.

These documents only went to clear up the facts of the case, and in reality the action of the Grand Ducal Government was necessarily limited to verifying those facts.

In readily communicating the said documents confidentially to the British Legation, the Grand Ducal Government gave a fresh proof of the excellent relations which it is glad to maintain with that of Her Majesty the Queen of Great Britain, and of its desire to contribute to the discovery of the truth.

The Undersigned gladly admits that the Cabinet of St. James fully does it this justice.

The Grand Ducal Government, in the plenitude of its independence which is assured to it by treaties, claims to exercise all the rights appertaining to it; does not conceive that they can be called in question; and in no way shrinks from all due responsibility which results therefrom.

It does not however consider that this responsibility can be extended as far

as the actions of persons belonging to the Austrian auxiliary force, and it cannot admit the principle laid down in the note of the Chargé d'Affaires of England.

The British Government is not ignorant that the military forming part of any auxiliary force are subject to their own jurisdiction; that the latter follows them everywhere in the countries where they afford their support to the Government; and that as the present case comes completely within the above-mentioned category, the Grand Ducal Government cannot in any way be responsible for the acts of individuals who are not subject to its jurisdiction, and whom it has no authority to punish.

The Undersigned strongly maintains that this maxim, which in nowise affects the independence of the State, applies to every country which accepts the succour of an auxiliary force, and he cannot suppose that Her Britannic Majesty's Government should hesitate to be satisfied that such is the case.

As regards further the second part of the note, which relates to the pecuniary compensation claimed by Mr. Mather's father, the Grand Ducal Government must content itself with noticing its extravagant and unsuitable magnitude, which is moreover admitted by the British Ministry itself, and while rejecting the principle, cannot admit its consequences.

The Undersigned, &c.

(Signed)

DUKE DE CASIGLIANO.

No. 39.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

Sir,

Foreign Office, April 9, 1852.

HER Majesty's Government have seen with deep regret that the Tuscan Government do not appreciate the arguments you have used and the spirit you have shown in advocating Mr. Mather's just claim to a pecuniary compensation, when all other opportunities of redress which independent and civilized nations afford to injured persons have been denied him.

It is impossible for Her Majesty's Government to abandon the demands they have made, and although they again repeat that they consider Mr. Mather senior's valuation of 5000 pounds to be exorbitant, that opinion in no way alters the question of principle involved, nor diminishes the absolute necessity that some compensation should be paid.

If the Tuscan Government should continue to argue that the Austrian army is one of occupation and not liable to the jurisdiction of civil law, and that this deplorable abdication of public liberty and justice is sanctioned by precedent and international law, you will remind the Tuscan Government that in 1809 the Duke of Wellington occupied Portugal with an English army; that this army was paid by England; that war was raging; and yet that during the whole time the civil courts in Portugal were open to all men, and the English officers as much responsible to them as the Portuguese civilians themselves.

The Duke has stated this himself to Her Majesty's Government, and added that he made it a point that such should be the case, and that no English soldiers should shelter themselves under such a principle as that laid down by the Tuscan Government.

You will continue therefore to press the matter as directed in my former despatch.

If you find the Tuscan Government determined to refuse our demands, you will await the arrival of Sir Henry Bulwer, who will probably reach Florence about the 1st of May; but you will not conceal from the Tuscan Government that if it perseveres in its present course, nothing will be left to Her Majesty's Government, however deeply they must regret the necessity, than to withdraw Her Majesty's Mission from Florence.

I am, &c.

(Signed)

MALMESBURY.

No. 40.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

(Extract.)

Foreign Office, April 9, 1852.

YOU must if possible get 500*l.* for Mr. Mather, or he should have such a sum as could buy him an annuity. That is what he would have got in England.

As a last resource you might ask for arbitration.

I send you Prince Schwarzenberg's letter, which is satisfactory in a national sense, but is not enough as regards the Tuscans, who close their courts of justice to us.

Of course you must not talk of an apology from the officer, as it would be of no value, after the strong expression of regret from Prince Schwarzenberg himself. Two days before his death he told Lord Westmorland that Tuscany ought to have allowed Mather to plead in a civil court.

No. 41.

The Earl of Malmesbury to the Earl of Westmorland.

My Lord,

Foreign Office, April 13, 1852.

I HEREWITH transmit to your Lordship for your information, copy of a despatch* from Her Majesty's Chargé d'Affaires at Florence, inclosing the reply returned by the Tuscan Government to the demand for compensation to Mr. Mather for the outrage committed on him which has been made by Her Majesty's Government. I likewise inclose a copy of my reply.†

I am, &c.

(Signed) MALMESBURY.

No. 42.

The Hon. P. C. Scarlett to the Earl of Malmesbury.—(Received April 14.)

My Lord,

Florence, April 7, 1852.

I CALLED yesterday on the Austrian Minister, Baron de Hügel, and requested him to inform me whether he had received any instructions from his Government respecting the indemnity to be paid to Mr. Mather.

His Excellency had previously intimated to me his belief that in a few days he should be able probably to make me some communication on this subject, and for this reason I deferred the departure of the messenger Webster.

It does not appear, however, that the Austrian Government have done anything beyond transmitting to Baron de Hügel a copy of Prince Schwarzenberg's communication to Count Buol.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

* No. 38.

† No. 39.

No. 43.

The Hon. P. C. Scarlett to the Earl of Malmesbury.—(Received April 17.)

My Lord,

Florence, April 10, 1852.

THE speech made by Lord Dudley Stuart in the House of Commons, in a debate which took place on the 1st of April with reference to the Refugee Question, contains, according to the report which I read of it in the "Morning Post," the following words: "He would now take an opportunity of contradicting a statement made in the other House by Lord Granville, who said that if Mather had consented to explain the circumstances, the Austrian officer would make some apology. He (Lord D. Stuart) contradicted that statement upon sufficient authority. No such offer was made."

I think I ought not to pass unnoticed so inaccurate a statement. I have already endeavoured, in my despatches of the 21st and 23rd of February, to explain what course I adopted with reference to an apology from Lieutenant Forsthüber.

An ample apology in words was suggested to me, such as one gentleman might perhaps have felt satisfied in accepting from another. It was to this effect: that Lieutenant Forsthüber would say on his honour, he would not have struck Mather, had he not been under the belief that Mather was about to strike him with his fists; and that if Mather was ready to say he had no intention of doing so, he (Lieutenant Forsthüber) was ready on his part to express the deep regret he felt at having been induced to strike the blow.

When, however, I was informed by Lord Frederick Kerr and by Sir John Orde, who at my request visited Mr. Mather, that a verbal apology of this nature would not satisfy him, and that he would not receive one from the whole Austrian army, but that he demanded justice, and that the outrage should be fully inquired into, stating also that he was not desirous of taking any steps himself until the arrival of his father, then expected at Florence, but was willing to leave the affair in my hands entirely; I did not, under the circumstances, think myself justified in accepting such an apology for the outrage offered; and I of course could not, after thus ascertaining Mr. Mather's sentiments, permit Lord Frederick Kerr or Sir John Orde to press such an arrangement on Mr. Mather.

I endeavoured to make Mr. Mather comprehend these facts before he left Florence; and I confess that all the interviews and communications I had with him left on my mind a conviction that he was as determined to refuse a mere verbal apology, as he professed to be indignant at the idea of any pecuniary remuneration being acceptable to him.

I therefore always treated the question on the higher ground of a right to demand reparation for an insult to national honour, by the punishment of the officer who had inflicted the injury, hoping that in consideration of the inability of the Tuscan Government to punish an Austrian officer not under their control, proper redress would be afforded by the Austrian authorities.

I have entered into a further explanation of these facts, because there seems to be a disposition on the part of Lord Dudley Stuart's informant to misrepresent my conduct as well as that of Mr. Mather.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

No. 44.

The Earl of Westmorland to the Earl of Malmesbury.—(Received April 26.)

(Extract.)

Vienna, April 19, 1852.

COUNT BUOL stated to me that with respect to the discussion between the British and Tuscan Governments on the subject of Mr. Mather, he did not consider himself as called upon to take a part; but as the Tuscan Government

attributed the difficulties in which they were placed, to the conduct of an Austrian officer, it was not easy to avoid entering into some explanation with them.

The communications which had already passed between your Lordship and Prince Schwarzenberg had put an end to all discussion upon that subject as far as Austria and Great Britain were concerned; and it had been clearly admitted by both Governments, that there had been no insult in any way intended towards a British subject.

As a third party he could only express his anxious desire that a suitable arrangement might be arrived at; and if any suggestions he could offer could be of any avail, he would not fail to employ them.

I replied to Count Buol by the expression of my most anxious hopes that he would endeavour to arrive at such an arrangement as might be satisfactory to your Lordship.

Count Buol said that he certainly would do what he was able towards a satisfactory settlement.

No. 45.

The Earl of Westmorland to the Earl of Malnesbury.—(Received April 26.)

My Lord,

Vienna, April 19, 1852.

AT my interview with Count Buol this morning, he mentioned the affair of Mr. Mather; and he stated that he was induced to do so (notwithstanding that he considered all discussion upon that subject between the British and Austrian Governments as most satisfactorily put an end to), by learning on his taking possession of his department, that the Tuscan Government, without communicating with the Imperial Government, had replied to the note of Mr. Scarlett of the 18th ultimo, by a refusal of the compensation which was asked for on behalf of that gentleman. Count Buol said this document on its way to Vienna had crossed a despatch from Prince Schwarzenberg, recommending to the Tuscan Government a different line of conduct; but as the affair now stood, he would propose that, if it suited your Lordship's views, he would recommend the Emperor to direct an inquiry to be made as to the amount of compensation which Mr. Mather might in fairness be entitled to, and would cause that sum to be made over to him, but he said this of course must be upon an understanding that no other claim was made upon the Tuscan Government. I replied to Count Buol that I would report this proposal to your Lordship, but that I was aware you had instructed Mr. Scarlett to press what you considered a just and well-founded claim upon the Tuscan Government; and that as to the grounds assigned by that Government for their refusal, namely, that the Austrian troops were not amenable to the Tuscan courts of law, you had cited the case of the Duke of Wellington, whose troops during the occupation of Portugal had always been subject to the civil courts of that kingdom. Count Buol said that while the claim for compensation was still in negotiation with Tuscany, any proposal from him could not be brought forward; and with regard to the Austrian soldiers being under the Tuscan civil courts, they never had been so, for when the Austrian army marched into that country it was in a state of revolutionary anarchy, and the Austrian Government never would have agreed to place their troops under the jurisdiction of its tribunals. Count Buol also stated that during the occupation of the northern provinces of France by the Allied armies, the soldiers were not under the civil tribunals of that country. Count Buol added, that as the question at present stood, he did not see that he could do more than wait for information from Tuscany as to the line that Government had taken upon the reply they had received from your Lordship; and in the meantime he would recommend an arrangement upon the principle of compensation, not for an insult (for according to your Lordship's correspondence, that was not the ground upon which you placed this question), but for an unfortunate accident in which no nationality was concerned; and he would at the same time state the disposition of the Emperor (upon such an understanding) to come forward himself with the proposition I have already mentioned for the arrangement of this question.

I have, &c.

(Signed)

WESTMORLAND.

L

P.S. *April 20.*—Since writing the above despatch I have this day seen Count Buol, who has charged me to state to your Lordship that in case the negotiation now being carried on with the Tuscan Government upon the claim which you have directed to be made in favour of Mr. Mather should not be brought to a satisfactory termination, he will be ready to recommend its arrangement by the Emperor upon the principle which I have above explained, and that he does this in the hopes of terminating in the most friendly and satisfactory manner an incident for which the regret of his Government has already been expressed.

W.

No. 46.

The Hon. P. C. Scarlett to the Earl of Malmesbury.—(Received April 26.)

My Lord,

Florence, April 18, 1852.

THE day after I had the honour to receive your Lordship's despatch of the 9th instant, informing me that Her Majesty's Government continued to consider the Government of Tuscany responsible for the reparation to be afforded to Mr. Mather for the injury done to him by Lieutenant Forsthüher, in the Austrian service, and stating to me the course I am to follow with reference to this subject, I called on the Duke of Casigiano and translated to his Excellency confidentially your Lordship's despatch.

I am happy to state that the Duke appeared inclined to receive your Lordship's observations in a very conciliatory manner. His Excellency said it would be feared be difficult to induce all his colleagues to renounce a principle to which they had adhered in the conviction that it was in this case a just one, but that nevertheless he would submit the question again to them in Council; and in order to do so more satisfactorily, he requested that I would write an official note. To this I agreed, and I have the honour to inclose a copy of the note I have addressed to his Excellency this day.

After my interview with the Duke of Casigiano, I called on the Minister of the Interior on other business, but I took occasion before I left his Excellency to allude to the contents of the despatch I had received from your Lordship regarding the Mather case. I found Chevalier Landucci equally disposed to take the subject of it again into consideration. His Excellency moreover assured me he was very desirous that some arrangement should be made to satisfy Her Majesty's Government as soon as possible. I then observed that I hoped for the assistance of the Austrian Minister in my negotiation; to which he replied, that if the Austrian Government would permit her auxiliary troops to be amenable to the Tuscan tribunals, and give to Tuscany the power of exercising her own responsibility, the Tuscan Government would be too happy to acquiesce in your Lordship's wishes; but he added that when the Military Convention was entered into, they had considered themselves to be acting in accordance with precedent and international usage, in giving up to Austria the sole right of control over the auxiliary troops occupying the Tuscan territory; and that in consequence, when Tuscan subjects were aggrieved, they could only demand justice from the Austrian authorities, without having any physical power to enforce it.

It will be my anxious endeavour to obtain the concurrence of my Austrian colleague in this negotiation, being persuaded that all hopes of a favourable solution must now come from Vienna.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

Inclosure in No. 46.

*The Hon. P. C. Scarlett to the Duc de Casigliano.**Florence, April 18, 1852.*

THE Undersigned, Her Majesty's Chargé d'Affaires at the Court of Tuscany, lost no time in transmitting to Her Majesty's Principal Secretary of State for Foreign Affairs, the Earl of Malmesbury, a copy of the note addressed by the Undersigned to the Duke of Casigliano on the 18th ultimo, with reference to the claim made by Mr. Mather's father for the severe injury proved by the Tuscan judicial inquiry to have been unnecessarily and inexcusably inflicted upon his son by Lieutenant Forsthüher at Florence, together with a copy of the reply of the Tuscan Government to that note, dated March 27, refusing to entertain Mr. Mather's claim, or to comply with the desire expressed so often by Her Majesty's Government on his behalf, alleging that the Tuscan Government ought not to be considered responsible where an officer belonging to the Austrian auxiliary force in Tuscany is concerned, because that force is not under Tuscan controul or amenable to Tuscan jurisdiction.

The Undersigned is now in possession of the opinions formed by Her Majesty's Government in regard to the plea of irresponsibility put forward by the Tuscan Government in order to avoid the settlement of this claim, and it has in consequence become the duty of the Undersigned to address himself once more to the Tuscan Government, in the hope of being able to convince his Excellency the Duke of Casigliano that the Tuscan Government has taken an erroneous view of the international law and custom applicable to this case.

Her Majesty's Government have seen with deep regret that the Tuscan Government do not appreciate the arguments already used by the Undersigned, and the friendly spirit in which he has advocated Mr. Mather's just claim to a pecuniary compensation, when all other opportunities of redress which independent and civilized nations afford to injured persons have been denied him.

It is impossible for Her Majesty's Government to abandon the demands they have made; and although they again repeat that they consider Mr. Mather's claim of 5000*l.* as exorbitant, that opinion in no way alters the question of principle involved, nor diminishes the absolute necessity that some compensation should be paid.

If the Tuscan Government should continue to argue that the Austrian army is one of occupation, and not liable to the jurisdiction of civil law, and that this deplorable abdication of public liberty and justice is sanctioned by precedent, the Undersigned has to remind the Tuscan Government that in 1809 the Duke of Wellington occupied Portugal with an English army, that this army was paid by England, that war was raging, and yet that during the whole time the civil courts in Portugal were open to all men, and the English officers as much responsible to them as the Portuguese civilians themselves.

The Duke of Wellington has stated this himself to Her Majesty's Government, and added that he made it a point that such should be the case, and that no English soldiers should shelter themselves under such a principle as that laid down by the Tuscan Government.

Her Majesty's Government having no doubt whatever as to the justice of the principle for which they contend, cannot consent to retract their demand; and although the Undersigned is empowered to bring within proper limits, by a mutual agreement, the sum really due to Mr. Mather, it is the duty of the Undersigned to urge the Tuscan Government to acquiesce in a principle not only consonant with common sense, but entirely in harmony with former precedents.

It is the anxious desire of the Undersigned to come to some immediate arrangement in the most friendly spirit, and thereby to avoid all such ulterior measures as Her Majesty's Government may feel themselves bound to carry into effect if the Tuscan Government should refuse to grant a just compensation to Mr. Mather.

The Undersigned is not ignorant that in 1850 the Tuscan Government were induced to sign a military convention with Austria, which they affirm has disabled

Tuscany from affording redress, even to their own subjects, by the ordinary medium of Tuscan tribunals, when injuries are inflicted upon them by the soldiers of the auxiliary force of Austria, which force Tuscany has chosen to call to her assistance, and for all the consequences of which act she has rendered herself responsible. Her Majesty's Government is quite ready to leave the Tuscan Government to take that course which they may think proper where her own subjects only are concerned, but it by no means follows that foreign nations will permit Tuscany to treat their subjects in the same way, and to forego all the obligations of recognized international law.

As long as Tuscany professes to be an independent State, the Grand Ducal Government will be expected to take upon itself the whole responsibility of that independence, nor will Great Britain renounce her right to call upon Tuscany to fulfil those duties which the Governments of all independent States are bound to observe in their intercourse with foreign Powers.

The Undersigned will not abandon the hope that the observations he has had the honour to make will meet with due consideration from the Tuscan Secretary of State for Foreign Affairs, and he at the same time indulges the expectation that he may shortly be able to communicate to Her Majesty's Government a favourable reply from the Government of the Grand Duke.

The Undersigned, &c.

(Signed)

P. SCARLETT CAMPBELL.

No. 47.

The Earl of Malmesbury to Sir H. Bulwer.

(Extract.)

Foreign Office, April 26, 1852.

THE Tuscan Government must not suppose that because the British Government has of late been compelled to address to it strong remonstrances against the unnecessary acts of vexation of which British subjects in Tuscany have had so much reason to complain, the feelings of the British Government in regard to Tuscany have undergone any permanent change. The British Government have deeply regretted the necessity under which they were placed of addressing such remonstrances to a Government with which they earnestly desire to cultivate the most friendly relations; and the urgency of the tone in which such remonstrances have been made is only to be attributed to the hope that the Tuscan Government might thereby be induced to afford redress for wrongs already committed, and to prevent by strict injunctions to its subordinate authorities, the infliction of future wrong upon British subjects; and that a state of things incompatible with the existence of friendly relations between the two Governments might thus be obviated.

It is true indeed that the British Government have had to complain, not only to the Tuscan Government of wrongs done to British subjects in Tuscany, but that the Governments of Modena and of Parma have also laid themselves open to complaints of the like nature on the part of Her Majesty's Government.

I trust that on your arrival at Florence you will find all cases of this kind satisfactorily adjusted. But if that should not be so, I have to instruct you to press such matters of this kind as may still be pending, in firm but temperate language, carefully avoiding an irritating tone, but still not disguising that there is a limit beyond which forbearance on the part of Her Majesty's Government cannot be pushed; and least of all admitting in the case of Tuscany, that the presence of an Austrian military force can justify or excuse the commission in Tuscany of wrong towards a British subject, or can exempt the Tuscan Government from the obligation to make redress. For all acts done in Tuscany to the prejudice of British subjects the British Government must hold the Tuscan Government to be solely responsible.

The violence against Mr. Mather which is still unatoned forms at present the most important of these cases to which I have alluded. By a careful perusal of the correspondence between Lord Granville and me and Mr. Scarlett, you will easily arrive at the position in which it stands, and furnish yourself with the arguments which you require to obtain your objects; and Her Majesty's

Government feel it their duty to instruct you not to remit in any manner the principle upon which their last demands are made. They consider that the Tuscan Government is bound in honour and equity to compensate Mr. Mather for his danger and sufferings by a pecuniary payment. Should you find the Tuscan Government absolutely resolved not to agree to the sum named to Mr. Scarlett as the minimum which Her Majesty's Government would consent to accept, you are at liberty to refer the amount to arbitration; but if the Tuscan Government should be so ill-advised as to refuse all payment whatever, you will then inform the Tuscan Government that Her Majesty's Government can no longer recommend Her Majesty to allow her Representative to sanction an act of such great injustice by his presence at Florence, and you will close Her Majesty's Mission at that Court. You will also state to the Tuscan Government that ulterior measures will be adopted by Her Majesty's Government to obtain redress.

No. 48.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

Sir,

Foreign Office, April 27, 1852.

I INCLOSE for your information a copy of a despatch* from the Earl of Westmorland, reporting a conversation with Count Buol on Mr. Mather's case.

I am, &c.

(Signed) MALMESBURY.

No. 49.

The Earl of Malmesbury to the Hon. P. C. Scarlett.

(Extract.)

Foreign Office, April 27, 1852.

SIR H. BULWER will start to-morrow for Florence. Notwithstanding the crisis you describe as going on in the Tuscan Court, I am still in hopes that you will settle the Mather compensation by arbitration or otherwise before he arrives, and I see no reason why you should not push it on before the present Government is turned out. It appears to me that the next would be still more intractable.

Lord Westmorland has sent me an offer from Count Buol to refer the case of compensation to Mr. Mather to the Emperor if we fail in Tuscany, where he states that Austria has given advice in favour of our claim.

I am however unwilling to accept Count Buol's proposal further than to ask him to give his good offices privately to us, and recommend such payment to Mr. Mather as an English court of justice would allow. He and the Tuscan Government must settle the question of which is to be the loser between them, but we who have never treated the matter officially with Austria, but insisted on the responsibility of Tuscany as an independent State, cannot accept the money from Austria for Tuscany.

No. 50.

The Earl of Malmesbury to the Earl of Westmorland.

(Extract.)

Foreign Office, April 28, 1852.

YOU will thank Count Buol for his amicable offer respecting the Mather case, and state that I consider it as an earnest of his friendly feelings towards this country and its Government. You will however explain that as Her Majesty's Government have always insisted on the independence of Tuscany, and its responsibility either to open her civil courts to foreign plaintiffs, or, if she

* No. 45.

closes them, to entertain the complaint through the Executive, there would be considerable awkwardness in our receiving compensation from Austria, with whom we have had no official correspondence in the matter. If Count Buol wishes to serve us in this dispute he can best do so by giving his advice to Tuscany, to refer the amount to an arbitration which Mr. Scarlett is instructed to propose at Florence. My determination is that Mr. Mather should get what he would have obtained from an English court had he been cut down at a review in Hyde Park by accidentally hustling a violent soldier.

I have before stated that there is no reason whatever to suppose that malice, or any anti-English feeling stimulated the act; but certainly ninety-nine officers out of a hundred would, under similar circumstances, have only struck the supposed offender with the hilt or flat of their sword. It was therefore a brutal act, although unpremeditated; and as I understand the skull of the sufferer is injured, and he is not in opulent circumstances, a pecuniary compensation is both an equitable and a legal demand on his part.

Pray therefore press upon Count Buol my view of the case, as regards his offer.

That the Emperor should be the arbiter where one of his officers is the original cause of the misfortune would I think be an anomaly.

No. 51.

The Earl of Malmesbury to the Earl of Westmorland.

My Lord,

Foreign Office, April 29, 1852.

I HEREWITH transmit to your Lordship for your information, copy of a despatch* from Her Majesty's Chargé d'Affaires in Tuscany, on the subject of the compensation to be awarded to Mr. Mather.

I am, &c.
(Signed) MALMESBURY.

No. 52.

The Hon. P. C. Scarlett to the Earl of Malmesbury.—(Received May 1.)

(Extract.)

Florence, April 23, 1852.

SINCE I wrote my despatch of the 18th instant, inclosing copy of a note on the Mather claim to the Tuscan Government, I have had several interviews with the Ministers relating to this subject, and I have also communicated with Baron de Hügel, the Austrian Minister at Florence.

I find both the Duke of Casigliano and his colleagues unwilling at present to admit the principle of Tuscan responsibility, although no objection is now made to the amount of 500 pounds which I have fixed positively as the minimum for compensation.

Baron de Hügel is quite of opinion that Mather ought to be indemnified, and he promised to write immediately to his Court, and endeavour to obtain an instruction as soon as possible from Count Buol.

The question will probably be, who is to pay the money?

The Duke of Casigliano showed me an Article in the Convention of 1823 between France and Spain, whereby the French troops were subject only to their own tribunals in Spain for offences committed by the army of occupation under the Due d'Angoulême.

A Secret Article in the Austrian Convention with Tuscany, I am informed by the Duke of Casigliano, stipulates similar conditions. Baron de Hügel, to whom I mentioned that the Portuguese tribunals were open and available against

offenders in the British army of occupation under the Duke of Wellington, observed that this arrangement could not have applied to the case of an officer on duty at the head of his troops. No civil tribunal whatever, he declares, could be allowed to take cognizance of acts which have reference alone to the discipline of the troops; and he draws a wide distinction between an officer in uniform but not on duty, and one in the act of commanding a detachment of men on service. Nevertheless I find Baron de Hügel exceedingly anxious to do all in his power to settle this matter by enabling Mr. Mather to receive the compensation I have demanded.

I have therefore urged him to settle the question with the Tuscan Government as regards the principle in the manner he thinks proper, but to obtain, as soon as he conveniently can, either the sum I have demanded, or a pension for Mr. Mather equal to the value of that sum as an annuity.

The ministerial crisis still continues, and renders the Government unwilling to answer any diplomatic notes, or undertake, at present, any further responsibility.

No. 53.

Mr. Barron to the Earl of Malmesbury.—(Received May 17.)

(Extract.)

Florence, May 9, 1852.

I HAVE the honour to report to your Lordship, by the express desire of Mr. Scarlett, his sudden and alarming illness.

His children had been stopping at Pisa for the benefit of a change of air, after recovering from hooping-cough. On the 5th instant he was summoned there himself by telegraph, on account of some unpleasant symptoms presented by one of them. These symptoms soon disappeared; but on the next day Mr. Scarlett was himself seized with a feverish attack, and on the 7th with inflammation of the lungs.

On the same day I received notice by telegraph that he wanted me, and I proceeded to Pisa instantly. I found him complaining of great oppression in the head and chest, and of other alarming symptoms.

His anxious exertions in the late negotiations have been, without doubt, an aggravating cause of this malady. He is now strictly deborred from all conversation, so that neither Mr. Irving nor myself have been able to see him to-day, though I have been again to Pisa for that purpose.

In my interviews with him yesterday and the day before, his injunctions to me were, to take charge of all the business of the Mission, to continue the negotiations, to report everything to your Lordship, and to open his letters and despatches.

It was only yesterday that he learned from a private letter of the Duke of Casigliano, the termination of the two principal cases under negotiation with this Government. The news seemed to give him great satisfaction.

No. 54.

Mr. Barron to the Earl of Malmesbury.—(Received May 17.)

(Extract.)

Florence, May 9, 1852.

I HAVE the honour to acquaint your Lordship, by the desire of Mr. Scarlett, with the following important facts.

The Stratford and Mather cases may be considered as settled. These two questions were the subject of an interview between Mr. Scarlett and the Duke de Casigliano on the 5th instant. It was then intimated to Mr. Scarlett by the Tuscan Minister, that an indemnity of 1000 francesconi (about 222*l.* 4*s.*) would be offered to Mr. Mather. Mr. Scarlett's reply was, that that sum was

far inferior to what he was instructed to claim, and that one condition alone would induce him to accept it, viz., the immediate release of the Messieurs Stratford. His Excellency answered that the Grand Duke intended to redeem the pledge given by his Ministers on that head; but that it was yet too soon.

The matter stood in this position till the 7th, when the Duke addressed to Mr. Scarlett a confidential letter, informing him that "His Imperial and Royal Highness the Grand Duke, yielding to his noble impulses, and making use of his Royal prerogative, consents to the commutation of the Messieurs Stratford's penalty into perpetual banishment from his States."

Mr. Scarlett has desired me to express to the Tuscan Minister his satisfaction at this arrangement, and to report the same to your Lordship.

The presence at Leghorn of Her Majesty's steam-vessel "Growler," Commander Stoddart, offers an opportunity for the immediate removal from Tuscany of the Messieurs Stratford. I shall immediately communicate with Commander Stoddart and with the Tuscan Government for that purpose.

With reference to Mr. Mather's claim, Mr. Scarlett has thought himself justified, after much consideration, in accepting the composition offered. Although it is not so much as could be desired for Mr. Mather, it is as much as could possibly be obtained by negotiation.

Thus all obstacles to our amicable relations with this country seem to be removed.

No. 55.

The Earl of Malmesbury to Sir Henry Bulwer.

Sir,

Foreign Office, May 21, 1852.

ASSUMING that you have arrived at your post, I address to you a reply to the despatch which Mr. Barron wrote for Mr. Scarlett on the 9th instant.

Mr. Barron informs Her Majesty's Government that Mr. Scarlett has brought the negotiations which have so long been pending on the Mather case to a close, by receiving from the Tuscan Government a compensation of 222*l.*; and he explains the acceptance of a sum so inferior to that which I instructed Mr. Scarlett to demand for Mr. Mather, by stating that the release of the Messrs. Stratford from prison was also obtained as part of the bargain.

Her Majesty's Government cannot for a moment doubt the zeal which Mr. Scarlett has uniformly shown in carrying out till now the various orders which he has received from this office bearing upon questions of a difficult and vexatious character, and they are ready to admit that in this last transaction Mr. Scarlett has acted to the best of his judgment.

I should not, however, be strictly performing my duty were I not to express to you that Her Majesty's Government regret that Mr. Scarlett should have taken a view of what was expedient in the settlement of Mr. Mather's compensation, as much at variance with his instructions as with sound reason and equity.

It appears from Mr. Scarlett's despatch of the 2nd of April, that he had already obtained a promise from the Tuscan Government that the Messrs. Stratford would be soon released, and that, awaiting their liberation, they were treated with as much leniency as could be exercised in any prison, and for an offence which Her Majesty's Government have never attempted to palliate. The remonstrance against the confinement of these gentlemen was founded on a legal flaw respecting their trial, and not on their innocence; and Mr. Scarlett should have restricted his negotiation on their case to endeavours to hasten as much as possible their promised freedom.

It is clear that this could have no possible connexion with the injury perpetrated on Mr. Mather, who was a harmless traveller, conforming in every respect to the laws of Tuscany. This injury having been acknowledged by the Tuscan Government to our *Chargé d'Affaires*, could only be atoned for by a public act; and this I instructed Mr. Scarlett to obtain in the shape of a pecuniary compensation of not less than 500*l.*, to be paid by the Tuscan Government. Such an act would answer two objects. First, it would be a moral vindication before our country of the right of an Englishman to protection when residing

peacefully in a friendly State; and, secondly, it would give practically to Mr. Mather those damages which an English court of justice would have granted him under similar circumstances, but which the Tuscan courts had not decreed because the Tuscan Government refused to open them to his appeal.

Although I have with much regret explained to you that Her Majesty's Government cannot approve of the arrangement thus concluded by Her Majesty's Chargé d'Affaires at Florence, they will of course not refuse to recognize it; and I request that you will not express to Mr. Scarlett their opinion until he shall have recovered from the dangerous illness under which I fear he is suffering.

I am, &c.

(Signed) MALMESBURY.

No. 56.

The Hon. P. C. Scarlett to the Earl of Malmesbury.—(Received May 22.)

My Lord,

Florence, May 11, 1852.

IT is already known to your Lordship that all my efforts to obtain from the Tuscan Government a pecuniary compensation for Mr. Mather had hitherto failed.

Nevertheless, on receipt of your Lordship's despatches of the 23rd March and 9th April, I resolved to make one more effort. I sought (as reported in my despatches of April 18 and 23) to convince the Tuscan Ministers for Foreign Affairs and the Interior, as also my Austrian colleague. Finally, I prepared on the 6th instant a note to the Tuscan Minister for Foreign Affairs, offering to lay aside the discussion of the question of Tuscan responsibility, but still requiring a pecuniary compensation for Mr. Mather.

Before sending in this note, I informed the Duke of Casigliano of my willingness to place the question on this new ground, provided he would promise some reasonable sum to Mr. Mather. His Excellency offered 1000 francesconi (about 222*l.*) as the highest sum which the Tuscan Government would ever consent to pay.

After very serious consideration of all the circumstances of the case; as the sum offered was higher than any that Mr. Mather could have recovered by an action at law in the Tuscan courts; as he has, with great propriety, loudly disclaimed all idea of turning the question to his own pecuniary profit; considering the importance of cultivating (I may say, restoring) friendly relations with this Government; and in order to avoid the appearance of driving a hard bargain, I determined to accept the terms offered.

I have now the honour to inclose to your Lordship copies of the notes exchanged in this case, consisting of mine of the 6th and 11th instant to the Duke of Casigliano, and of his Excellency's note to me of the 10th instant announcing that His Imperial and Royal Highness has been pleased to accord to Mr. Mather the sum of 1000 francesconi as a pecuniary compensation for his injury.

I have, &c.

(Signed by authority of Mr. Scarlett, prevented by illness)

HENRY BARRON.

Inclosure 1 in No. 56.

The Hon. P. C. Scarlett to the Duc de Casigliano.

Florence, May 6, 1852.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires at the Court of the Grand Duke of Tuscany, being desirous of terminating without delay, and in the most friendly manner, the negotiation with which he has been charged by Her Majesty's Government in order to obtain from the Tuscan Government a pecuniary compensation for Mr. Mather, has again the honour to call the attention of his Excellency the Tuscan Minister for Foreign Affairs to this subject.

M

The chief difficulty which has prevented an earlier solution of this affair appears to have arisen from doubts entertained by the Tuscan Government respecting its own responsibility.

Although not participating in these doubts, or being able to yield to the arguments which his Excellency the Minister for Foreign Affairs has adduced in his various communications with the Undersigned, the latter is nevertheless eager to come to some definitive arrangement, which may appear unobjectionable to the Tuscan Government.

Actuated by this feeling, and trusting that his Excellency the Tuscan Minister for Foreign Affairs is equally willing to meet the wishes of the Undersigned in a similar spirit, the Undersigned has to propose to his Excellency the Minister for Foreign Affairs, that the principle involved of responsibility should not be raised, and all discussion with reference to it entirely avoided. But as the Undersigned has been instructed to demand a pecuniary indemnity for Mr. Mather, on account of the injury which his health may permanently sustain by reason of the wound inflicted on him, the Undersigned indulges the hope that his case may be submitted by the Minister for Foreign Affairs to the gracious consideration of the Sovereign of Tuscany, and that through the known liberality of His Imperial and Royal Highness the Grand Duke, the claim put forward in Mr. Mather's behalf may meet at once with a favourable issue. It would give the Undersigned infinite pleasure to report to the Queen's Government that this proposal has met with the approbation of the Tuscan Government, being convinced that a speedy and satisfactory settlement of the negotiation will tend very much to promote that good understanding which the Undersigned ardently hopes may always continue to reign between the Government of Her Majesty and that of the Grand Duke in their future mutual intercourse.

I have, &c.

(Signed) P. C. SCARLETT.

Inclosure 2 in No. 56.

The Duc de Casigliano to the Hon. P. C. Scarlett.

Florence, 10 Mai, 1852.

LE Soussigné, Ministre Secrétaire d'Etat au Département des Affaires Etrangères de son Altesse Impériale et Royale Monseigneur le Grand Duc de Toscane, en accusant réception de la note que M. le Chargé d'Affaires d'Angleterre lui a adressée le 6 du courant mois, est heureux d'y puiser une preuve de l'intention du Gouvernement Britannique d'arranger à l'amiable l'affaire relative à l'incident qui a eu lieu à Florence entre Mr. Mather, sujet Anglais, et un officier appartenant à la troupe auxiliaire Autrichienne, en plaçant la question sous un point de vue tout-à-fait différent de celui qui était présenté dans la note du 18 Avril écoulé. Tout en se rapportant sur ce sujet aux principes énoncés dans ses notes précédentes et en s'abstenant de produire à leur appui d'autres arguments, le Soussigné est autorisé par son Auguste Souverain à agréer la proposition de mettre de côté toute réflexion qui tiennne au fond de la question, et à n'écouter que l'appel qui est fait à la libéralité de son Altesse Impériale et Royale Monseigneur le Grand Duc.

Le Soussigné ayant pris les ordres souverains est chargé de signifier au Représentant Britannique, que son Altesse Impériale et Royale, mue par un sentiment de générosité qui ne saurait être invoqué comme un précédent dans des cas semblables, consent à accorder à Mr. Mather à titre d'indemnité pécuniaire, la somme de 1000 francs-soni, largement supérieure à toute indemnité qui pourrait dans l'affaire dont il s'agit être prononcée par les tribunaux Toscans. Le Soussigné a lieu de se flatter que cet acte de générosité sera apprécié par le Gouvernement Britannique, et se félicite d'avance qu'il puisse contribuer à resserrer les liens de cordiale amitié et de bonne intelligence qui ont toujours existé entre les deux Gouvernements.

Avec cet espoir fondé il s'empresse de renouveler, &c.

(Signé)

LE DUC DE CASIGLIANO.

(Translation.)

Florence, May 10, 1852.

THE Undersigned, &c., in acknowledging the receipt of the note which the Chargé d'Affaires of England addressed to him on the 6th instant, is happy to discover in it a proof of the intention of the British Government to arrange amicably the affair regarding what occurred at Florence between Mr. Mather, an English subject, and an officer belonging to the Austrian auxiliary force, by placing the question in an entirely different point of view from that put forward in the note of the 18th of April last. At the same time that he refers to the principles stated in his preceding notes, and refrains from producing further arguments in support of them, the Undersigned is authorized by his August Sovereign to agree to the proposal to put aside any observation bearing on the principle of the question, and to listen only to the appeal made to the liberality of His Imperial and Royal Highness the Grand Duke.

The Undersigned having taken the orders of his Sovereign is commanded to signify to the British Representative, that His Imperial and Royal Highness, influenced by a sentiment of generosity which is not to be appealed to as a precedent in similar cases, agrees to grant to Mr. Mather as a pecuniary indemnity, the sum of 1000 francsconi, which far exceeds any indemnity which could in the matter in question be awarded by the Tuscan tribunals. The Undersigned has reason to flatter himself that this act of generosity will be appreciated by the British Government, and he congratulates himself beforehand that it may have the effect of contributing to draw closer the bonds of cordial friendship and good understanding which have always existed between the two Governments.

With this well-founded hope he renews, &c.

(Signed)

THE DUKE OF CASIGLIANO.

Inclosure 3 in No. 56.

The Hon. P. C. Scarlett to the Duc de Casigliano.

M. le Ministre,

Florence, May 11, 1852.

I HAVE the honour to acknowledge the receipt of your Excellency's note of yesterday's date informing me that His Imperial and Royal Highness the Grand Duke has been pleased to accord to Mr. Mather the sum of 1000 francsconi as a pecuniary compensation for the "incident which took place between him and an Austrian officer."

I confess that this sum appears to me hardly adequate to the injury inflicted by this outrage, or to the guilt of the offenders. Nevertheless, considering that it is more than he could recover by means of the Tuscan courts of law; considering that Mr. Mather is not in that condition of life which would render the amount an object of great importance to him; but more especially considering the importance attached by Her Majesty's Government to the friendly relations now happily subsisting with that of Tuscany (which friendly relations might be embittered by a further protraction of this controversy), I am willing to accept the sum offered.

It is now my intention in strict conformity with my note of the 6th instant, to avoid all discussion of the principles involved in this question.

Your Excellency has been pleased however to refer, in your note of yesterday, to those principles of public law advanced in your former notes. It is therefore my duty to refer your Excellency to those principles laid down in my former notes on this case (particularly in that of the 17th of March) as still upheld in their fullest integrity by Her Majesty's Government.

I avail, &c.

(Signed by authority of Mr. Scarlett, prevented by illness)

H. BARRON.

No. 57.

Mr. Barron to the Earl of Malmesbury.—(Received May 22.)

My Lord,

Florence, May 14, 1852.

IN my letter of the 9th I had the honour of reporting to your Lordship the compromise effected by Mr. Scarlett in the Stratford and Mather cases, on the 5th instant, which compromise was agreed to by him at an interview with the Duke of Casigliano, and immediately after ratified in two private letters between him and the Duke.

For the more perfect comprehension of this negotiation I beg leave to transmit (in addition to my official inclosures) copies of these two private letters which passed between Mr. Scarlett and the Duke in pursuance of this agreement.

The official despatches of the 10th will explain all but one essential feature of this negotiation, viz., that in Mr. Scarlett's agreement his acceptance of the Mather indemnity was made conditional on the liberation of the Stratfords. Without this their liberation would have been indefinitely postponed, as the Grand Duke had expressed the greatest reluctance to release them as yet.

Mr. Scarlett's illness here caused some little delay, though on hearing of the Duke's favourable answer to his ultimatum of the 6th of May, he urged me to proceed without delay to an exchange of official notes.

Being left in this position I awaited with earnest anxiety the arrival of Sir H. Bulwer, and delayed till the 9th sending in the note of May 6, which Mr. Scarlett had already written before his illness. This note called forth immediately two decisive notes, dated the 10th, from the Duke of Casigliano, on the two questions at issue.

In this position I still sought to temporize, but I found it impossible to do so beyond the 13th instant. I reflected that everything had been concluded by Mr. Scarlett (even in writing) short of the actual exchange of notes; that he had begged me to complete that formality; that the Duke of Casigliano was quite justified in pressing for a prompt fulfilment of the agreement; that Sir H. Bulwer's arrival was very uncertain, his departure from London not being yet known here (nor is it to this moment); that the Stratfords had been apprized of their immediate liberation; and that the "Growler" would soon be obliged to leave, the absence of which would entail expense and inconvenience in the removal of the Messrs. Stratford.

Under these circumstances I thought it impossible to defer answering the Duke's notes; but I did not send in the Mather note till the 13th, and gained an important point by this delay.

In his first note the Duke had inserted a passage conveying an explicit declaration of principles on Tuscan responsibility. I brought back this first note to his Excellency; remarked that this passage would require on our part a fresh discussion of principles; that such a discussion would be at variance with Mr. Scarlett's note of the 6th; that an implicit declaration of principles was sufficient; and I demanded therefore that the passage should be expunged. The Duke took till the next day to submit it to the Grand Duke. He then informed me that His Imperial and Royal Highness had shown the greatest reluctance to allow this erasure, but had finally consented.

I beg to inclose a copy of this passage, which I think your Lordship will allow to have been unnecessary and objectionable.

I have, &c.

(Signed) HENRY BARRON.

Inclosure 1 in No. 57.

The Hon. P. C. Scarlett to the Duc de Casigliano.

Mon cher Duc de Casigliano,

Pise, 6 Mai, 1852.

SI je traite la question de Mather à part, mes instructions m'empêchent absolument de consentir à un autre minimum que celui de 500 livres sterling, comme j'ai eu l'honneur de vous annoncer dans notre conversation d'hier.

La seule manière par laquelle j'oserais prendre sur moi-même la question de déterminer un chiffre plus en rapprochement avec le vôtre, serait de persuader Monseigneur le Grand Duc d'exercer en même temps sa haute clémence en faveur des Messieurs Stratford.

Je dois vous rappeler que, pour finir cette inconvenance, le Gouvernement de Sa Majesté, animé des meilleurs sentimens envers la Toscane, avait déjà offert, comme dans l'affaire Mather, de mettre de côté entièrement la discussion de principe. Pourquoi donc préférez-vous de laisser ouverte une plaie que la sagesse et la bonne foi paraissent vous fournir à présent un moyen si opportun de guérir?

Tout en espérant que nous resterons d'accord, je suis, &c.

(Signed)

P. CAMPBELL SCARLETT.

(Translation.)

My dear Duke of Casigliano,

Pisa, May 6, 1852.

IF I treat the Mather question by itself, my instructions absolutely prevent me from consenting to any minimum but that of 500*l.* sterling, as I had the honour of announcing to you in our yesterday's conversation.

The only way in which I could venture to take upon myself the question of fixing a sum more nearly approaching to yours, would be by persuading Monseigneur the Grand Duke to exercise at the same time his gracious clemency in favour of the Messrs. Stratford.

I must remind you that in order to put an end to that difficulty, the Government of Her Majesty, animated by the most friendly sentiments towards Tuscany, had already offered, as in the Mather affair, to set aside entirely the discussion of principle. Why then do you prefer to leave open a wound which both wisdom and good faith appear at present to supply you with such opportune means of healing?

Hoping that we may be of one mind, I am, &c.

(Signed)

P. CAMPBELL SCARLETT.

Inclosure 2 in No. 57.

The Duc de Casigliano to the Hon. P. C. Scarlett.

(Confidentielle.)

Mon cher Mr. Scarlett,

Florence, 7 Mai, 1852.

J'APPRENDs que vous êtes toujours à Pise, et je suis heureux de vous apprendre que Son Altesse Impériale et Royale mon Auguste Souverain, cédant à ses nobles instincts, et en faisant usage de sa royale prérogative, consent à commuer la peine des Messieurs Stratford dans un bannissement perpétuel de ses Etats, et que par conséquent ces derniers pourront être remis entre vos mains pour être de suite éloignés de la Toscane.

En me rappelant d'ailleurs notre dernier mot dans la conversation que nous avons eue dernièrement ensemble, j'attends toujours votre note signée dans l'affaire Mather, à laquelle je répondrai en vous offrant les mille francs-conv. à titre d'indemnité, que vous avez consenti à accepter; vous comprenez qu'il conviendrait d'arranger de suite ces deux affaires sans autre délai.

Votre dévoué, &c.

(Signé)

DUC DE CASIGLIANO.

(Translation.)

My dear Mr. Scarlett,

Florence, May 7, 1852.

I LEARN that you are still at Pisa, and I am happy to inform you that His Imperial and Royal Highness my August Sovereign, yielding to his noble feelings and making use of the Royal prerogative, consents to commute the

punishment of the Messrs. Stratford into perpetual banishment from his States, and that consequently these gentlemen can be delivered up to you to be forthwith removed from Tuscany.

Adverting moreover to the last words in the conversation which we last had together, I am still awaiting your signed note in the Mather affair, to which I shall reply by offering you as indemnity the 1000 francesconi which you have consented to accept: you are aware that it would be convenient to arrange immediately these two matters without further delay.

Yours, &c.
(Signed) DUC DE CASIGLIANO.

Inclosure 3 in No. 57.

Passage in the Note of the Duc de Casigliano to Mr. Scarlett, now expunged from the said Note.

Florence, 10 Mai, 1852.

* * * Un point de vue tout-à-fait différent de celui qui était présenté dans la note du 18 Avril écoulé. " Mais si d'un côté, pour parvenir à ce but, M. le Chargé d'Affaires du Gouvernement Britannique entend seulement écarter la question de principe, le Soussigné éprouve de son côté le besoin de répéter au nom du Gouvernement Grand Ducal, que ce dernier ne saurait dans aucun cas accepter la responsabilité des actes d'individus qui ne sont point soumis à sa juridiction."

Tout en se rapportant, &c.

(Translation.)

Florence, May 10, 1852.

* * * An entirely different point of view from that which was put forward in the note of the 18th April past. " But if, on the one hand, the Chargé d'Affaires of the British Government only means to lay aside the question of principle, in order to arrive at this end, the Undersigned feels it necessary on his part to repeat, in the name of the Grand Ducal Government, that the latter can in no case admit its responsibility for the acts of individuals who are not subject to its jurisdiction."

No. 58.

Mr. Addington to Mr. James Mather.

Sir,

Foreign Office, May 24, 1852.

I HAVE the satisfaction of informing you, by the direction of the Earl of Malmesbury, that after long and vexatious negotiations with the Tuscan Government, Mr. Scarlett has succeeded in obtaining for your son a practical atonement for the unmerited and brutal treatment he received at Florence, by the payment by that Government of the sum of 1000 francesconi. Although Her Majesty's Government do not consider that this sum is equivalent to the injury which Mr. Mather suffered, or to that which an English court would have awarded him as damages for his sufferings; and although it is less than Mr. Scarlett was instructed to demand; Her Majesty's Government have reason to believe that Mr. Scarlett acted to the best of his judgment in thus concluding the controversy. There is no doubt that the anxiety he has gone through in consequence of this and other disputes with the Tuscan Government has brought upon him a most dangerous illness. Prince Schwarzenberg before his death had addressed a note to Her Majesty's Government expressing his great regret at the occurrence, and at the act of the Austrian officers, which he assured

Her Majesty's Government was not dictated by any feeling of hostility to our countrymen in general, or of personal malice to Mr. Mather himself.

The patriotic manner in which you have repeatedly expressed yourself upon this unfortunate affair induces the Earl of Malmesbury to believe that you will now consider our international laws as sufficiently vindicated.

I am, &c.

(Signed) H. U. ADDINGTON.

No. 59.

Mr. Mather to the Earl of Malmesbury.

My Lord, 5, Barton Street, Westminster, May 27, 1852.

THE communication of your Lordship of the 24th instant, by Mr. Addington, reached me here to-day.

The feelings with which I perused such a document I will not attempt to express to your Lordship.

Now, my Lord, you will do me the favour to remember that a British subject, my son, was attacked in Florence by two armed Austrian officers, receiving the most "unmerited and brutal treatment," as your Lordship has expressed it; that he was cut down by one of them, left in his own blood, his life in danger for a length of time, and his health perhaps for ever injured; and all this without any provocation, any offence, as it has been proved by evidence, not to be controverted, of the most respectable witnesses,—people the subjects of the State whose officers had so acted.

Yet for all this no real redress has been obtained; that officer is still at large and remains unpunished.

Upon my return from prosecuting the inquiry at Florence, you demanded to know what redress and reparation I deemed sufficient for such an outrage; to that demand in my memorandum of the 6th of March I replied,—

"1. That some marked punishment for an act, proved by the sworn evidence of impartial witnesses to have been gross and unprovoked, should be inflicted upon the offender, such as is fitting for an act of that description, committed upon a British subject by an officer of another country at amity with Britain. What that should be it is for Lord Malmesbury, who represents British interests and British honour, and officially secures protection for British subjects abroad, to decide."

Whatever personal reparation you might deem proper to demand, which I conceded with regret to your Lordship's express commands, as I foresaw a probable misapplication of such concession, was, as you know, to give place to public honour.

You now inform me that Prince Schwarzenberg, the late Prime Minister of Austria, prior to his death, "had addressed a note to Her Majesty's Government expressing his great regret at the occurrence, and at the act of the Austrian officers." The extent of such regret may be estimated by this—the Austrian officer who staided the honour of the Austrian army by his blood-thirsty and cowardly act, has been allowed to go free and unpunished, and his conduct has been approved, at least defended, by Prince Schwarzenberg's lieutenant, the Austrian Commander-in-chief in Tuscany, Prince Liechtenstein.

This man I frequently saw in all the pride of military array and overbearing insolence in the streets of Florence, a public example to his brother officers and the world, of the impunity with which British subjects may be treated, and the evidence of the low estimation of his superiors for British honour and British power.

This, all the while that British statesmen and diplomatists were making urgent demands for redress, your Lordship among the number.

Has anything been done since to impress them with the contrary?

Your Lordship continued to demand redress at Florence, notwithstanding Prince Schwarzenberg's note, as I understood you. Has it been obtained?

The offer made by the Tuscan Government, as named in your communication, is too absurd to be deemed so, and which is even submitted to me in terms as if it were felt to be most humiliating.

It would require of itself no notice from me, but that it is an indication of the expected impunity with which an Austrian officer may outrage a British subject, and a precedent and encouragement to any one disposed to repeat such an offence; in that it is a matter of some concern.

"The patriotic manner in which I have repeatedly expressed myself in this unfortunate affair," as you are pleased to observe, has originated in feelings that induce me now to express the pain which I feel that this crime is sought to be compromised, and the indignation, as far as I am concerned, with which I reject the offer of the Tuscan Government and any participation in such proceedings.

I will not pretend to be a judge of what is due to the honour of England, but I know what is due to my own.

My son, who is still abroad, will I am sure participate in these sentiments.

I have, &c.

(Signed) JAMES MATHER.

No. 60.

The Earl of Malmesbury to Sir H. Bulwer.

Sir,

Foreign Office, May 29, 1852.

YOU will have received my despatch dated May 21, soon after your arrival at Florence, and it will have shown you, that although Her Majesty's Government did not approve of the arrangement which Mr. Scarlett had made with the Tuscan Government respecting the amount of the pecuniary compensation to be paid to Mr. Mather, they would not refuse to sanction it. Her Majesty's Government assumed, from the account of this transaction given by Mr. Barron in his despatch of the 9th of May, and received here on the 17th, that the principle of responsibility on the part of the Tuscan Government—a principle which it has constantly been my first object to enforce, had been to the last asserted and vindicated by the payment of 1000 francesconi, equivalent to about 222*l.* sterling.

Her Majesty's Government were therefore not only surprized, but deeply concerned, to receive on the 22nd further despatches sent by Mr. Barron, stating that the principle of responsibility had been formally waived by Mr. Scarlett, and that he had accepted from the Duke of Casignano a note in which that Minister describes the payment of 1000 francesconi, made by the Grand Duke to Mr. Mather, as an act of generosity which "was not to be appealed to as a precedent in similar cases."

Although Her Majesty's Government were willing to consider that Mr. Scarlett, under a combination of difficulties, acted to the best of his judgment when he agreed to receive a sum so much smaller than the minimum which his instructions permitted him to accept, and under that impression informed you, on the 21st instant, that they recognized his act, it is impossible for Her Majesty's Government to sanction the renunciation of so important a principle as that which Mr. Scarlett now appears to have surrendered; and still less to admit that a British subject, cruelly injured on Tuscan territory, is indebted to the charity of the Grand Duke for that protection and compensation which he has a right to claim from justice and International Law.

It will not be superfluous for me here to repeat the arguments which I used and supplied to Mr. Scarlett, when I instructed him to assert and insist upon the responsibility of Tuscany for the discharge of the international duties of an independent State. You will find them in my despatches to Mr. Scarlett of the 12th of March and 9th of April, and in your own instructions.

The note which by my despatch of the 12th of March I sent to Mr. Scarlett for presentation to the Tuscan Government, contains the following passages:

"The evidence which has thus been obtained conclusively establishes that a most unprovoked outrage was committed on an unarmed and unoffending British subject by an officer in command of a military party acting for Tuscan purposes in the Tuscan Dominions. But for all acts of authority done in Tuscany, whether by persons directly in the service of the Grand Duke or by

persons deriving their authority in Tuscany from treaty engagements entered into by the Grand Duke, the Tuscan Government is alone responsible; and Her Majesty's Government can look only to the Grand Ducal Government for redress when the unjustifiable conduct of any person, either directly or indirectly in the Tuscan service, has occasioned injury to a British subject.

"Although Her Majesty's Government cannot but admit, that in regard to this matter the position of the Tuscan Government is peculiar, inasmuch as the outrage upon Mr. Mather was committed by an Austrian officer, who himself is only amenable to the martial law of Austria, Her Majesty's Government, nevertheless, cannot permit the Tuscan Government to repudiate the responsibility of an independent State to protect the subjects of foreign Powers residing peaceably in the territory of that State, on the plea that there is no tribunal in Tuscany competent to take cognizance of complaints preferred by such persons.

"Tuscany assumes to exercise the privileges of an independent State. As the Sovereign of an independent State, the Grand Duke has accredited Prince Poniatowski as his Minister at the Court of England; and His Imperial and Royal Highness has moreover recently intimated his intention, if necessary, formally to refuse to receive a specific Minister appointed by the Queen to reside as her Representative at the Grand Ducal Court, alleging that in so refusing he would be merely exercising a right inherent in all independent States.

"It is therefore necessary to impress upon the Tuscan Government, that Her Majesty's Government cannot admit the right of Tuscany to claim the privilege of an independent State, and at the same time to be relieved from the corresponding obligations which attach to that political position."

Again in my despatch to Mr. Scarlett of the 9th of April, I say:—"Her Majesty's Government have seen with deep regret that the Tuscan Government do not appreciate the arguments you have used and the spirit you have shown in advocating Mr. Mather's just claim to a pecuniary compensation, where all other opportunities of redress which independent and civilized nations afford to injured persons have been denied to him.

"It is impossible for Her Majesty's Government to abandon the demands they have made; and although they again repeat that they consider Mr. Mather senior's valuation of 5000*l.* to be exorbitant, that opinion in no way alters the question of principle involved, nor diminishes the absolute necessity that some compensation should be paid.

"You will continue, therefore, to press the matter, as directed in my former despatch.

"If you find the Tuscan Government determined to refuse our demands, you will await the arrival of Sir Henry Bulwer, who will probably reach Florence about the 1st of May; but you will not conceal from the Tuscan Government that if it perseveres in its present course, nothing will be left for Her Majesty's Government, however deeply they must regret the necessity, than to withdraw Her Majesty's Mission from Florence."

Not only for the sake of our countrymen abroad, but for that of still larger interests which involve the territorial integrity of Europe, I considered it indispensable that this principle should be established; and so strongly was I impressed with the necessity of maintaining it, that in a letter to Mr. Scarlett, of the 27th of April, adverting to an offer made through Lord Westmorland by Count Buol, "to refer the case of compensation to Mr. Mather to the Emperor, if we fail in Tuscany," I said, "I am unwilling to accept Count Buol's proposal, further than to ask him to give his good offices privately to us, and recommend such payment to Mr. Mather as an English court of justice would allow. He and the Tuscan Government must settle the question of which is to be the loser between them; but we, who have never treated the matter officially with Austria, but insisted on the responsibility of Tuscany as an independent State, cannot accept the money from Austria for Tuscany."

I now repeat that Her Majesty's Government cannot agree to renounce the principle in question.

It is therefore my duty to instruct you to take such measures as may bring the Tuscan Court to more reasonable as well as more dignified views of their responsibilities as an independent nation.

You will inform the Duke of Casigliano that Her Majesty's Government cannot accept the sum which has been offered, or any sum whatever, under the conditions assented to by Mr. Scarlett, inasmuch as the offer was accompanied

by no single expression of regret for the wrong inflicted; but, on the contrary, by the exceptionable language to which I have alluded. Should the Grand Duke be so ill-advised as to persevere in his refusal to acknowledge the obligation on the part of Tuscany to open her courts of justice to foreign plaintiffs, when injured by foreign soldiers, or, as an alternative, to afford due reparation on the part of the State itself, and thereby confess that he has willingly and advisedly abdicated one of the most important functions of Government, Her Majesty can no longer regard Tuscany as an independent State, and with deep regret will be obliged to suspend with the Government of that country those diplomatic relations which are the symbols of friendly alliance between independent Sovereigns, but which cannot be maintained with Courts who publicly renounce their own freedom of action.

You will read this despatch to the Duke of Casigliano, and give him a copy of it.

I am, &c.
(Signed) MALMESBURY.

No. 61.

The Earl of Malmesbury to Sir Henry Bulwer.

Sir,

Foreign Office, May 29, 1852.

IT is possible that a letter from Mr. Addington to Mr. Mather senior, dated the 24th instant, and which appeared in the public prints of the 28th instant, may come under the notice of the Tuscan Secretary of State; and that with reference to the concluding passage in that letter, in which it is said: "The patriotic manner in which you (Mr. Mather) have repeatedly expressed yourself upon this unfortunate affair, induces the Earl of Malmesbury to believe that you will now consider our international laws as sufficiently vindicated;" the Tuscan Minister may express some surprise at receiving such a communication as that which by my preceding despatch you are instructed to make to his Excellency.

I think it therefore necessary to enable you to explain to the Duke of Casigliano, that the letter to Mr. Mather was founded upon Mr. Barron's communication of the 9th of May, the same which is alluded to in my despatch to you of the 21st of May.

My minute for the letter to Mr. Mather was dated the 22nd of May, and was sent to the proper department of this office in the afternoon of that day, and the draft of letter founded on that minute was shortly afterwards submitted to and approved by me, and returned into the office at the close of the day when the business of the office was ended. The following day being Sunday, the draft was not written out for signature until the Monday, the date of which day, the 24th, was accordingly given to it.

The despatches from Mr. Barron of the 11th of May, showing the manner in which Mr. Scarlett had so unfortunately deviated from the positive instructions which I had given him, reached the Foreign Office on the 22nd of May; but my necessary attendance on that day at a meeting of Her Majesty's confidential servants and the great pressure of business during the session of Parliament, prevented me from giving immediate attention to the despatches which had arrived from abroad; and I was not aware until some time afterwards, of the objectionable concession of principle made by Mr. Scarlett, and for the first time reported in those despatches.

I am, &c.
(Signed) MALMESBURY.

No. 62.

The Earl of Malmesbury to Sir Henry Bulwer.

Sir,

Foreign Office, May 29, 1852.

IT is with great regret that I have found it necessary to disavow Mr. Scarlett's proceedings in making so objectionable an arrangement in Mr. Mather's case as that recorded in the inclosures in his despatch of the 11th instant.

I am willing to attribute the want of judgment which he has shown in this matter to his being at the time under the influence of the illness which declared itself before the conclusion of the business, and which nearly brought him to the grave; and on this ground, and out of consideration for the activity and zeal which he has uniformly shown in the general discharge of his duties under very harassing and difficult circumstances, I have gladly taken every opportunity in my place in Parliament to do justice to his general merit, and to place his conduct before the British public in the most favourable light.

I am, &c.

(Signed) MALMESBURY.

No. 63.

The Earl of Malmesbury to Mr. Mather.

Sir,

Foreign Office, June 1, 1852.

ON my return to London yesterday evening, I found a letter from you, dated the 27th ultimo, similar to that published in the "Times" by you on Friday last, and purporting to be a reply to the one which Mr. Addington sent you on the 24th. As you have stated through the newspapers that your letter was left at my house on the night of Thursday the 27th, [I have to state that] I caused a careful inquiry and search for it to be made on Friday and Saturday morning without success. My servants, on my return to London, assured me that it was put into the letter-box on Saturday the 29th, after 3 o'clock.

I remain, &c.

(Signed) MALMESBURY.

No. 64.

Mr. Mather to the Earl of Malmesbury.

My Lord,

Westminster, June 1, 1852.

I HAVE just received your letter of to-day's date, respecting the delivery of my letter of the 27th ultimo to your Lordship. You observe that—"As you have stated through the newspapers, that your letter was left at my house on the night of Thursday the 27th, I caused a careful inquiry and search for it to be made on Friday and Saturday morning without success;" and that your servants had assured you that "it was put into the letter-box on Saturday the 29th after 3 o'clock." I beg to observe that the statement through the newspapers, that my letter had been left at your Lordship's house did not appear until Monday morning, and therefore I presume the search on Friday and Saturday was made independently of that statement.

The person by whom I sent my letter was a confidential man of a friend, Mr. Gurney, who was present when I gave it to him on Thursday evening, with instructions as to its delivery at your "own house." Upon Saturday he was sent again, after your Lordship's statement in the House of Lords, to rectify any mistake that might have occurred with it. He then saw the same servant he had given it to in the presence of another, who said that at the time he had received it, he had placed it on your Lordship's table.

N 2

That there might be no mistake, he was desired to state in writing the answer he had received, which I now inclose you. The reason I sent my letter to your Lordship's residence, was that you might be in possession of it at the earliest moment, for at the hour it was forwarded, the Foreign Office was closed, which I regretted, but which was entirely owing to your Lordship's letter of the 24th having been unaccountably sent to me in the country, and which had only a short time reached me.

Your Lordship, I think, will not now doubt that this irregularity was amongst your own servants.

In taking leave of your Lordship and this unpleasant subject, while I beg to thank you for the general personal courtesy I have received from you, I cannot refrain from remarking on the false positions in which on more than one occasion, this case, as well as ourselves, were nearly involved, by those who ought to have been our best advisers and our strength under no ordinary difficulties.

It might be British diplomacy, but it was British diplomacy employed to the prejudice of British subjects, and not in their defence.

Had we been entirely guided by it, in addition to the other private disadvantages under which we labour, we should have had the more bitter ones of dishonoured names and self-regret.

The following statements, which I am in a condition to substantiate, shall be brief:

1st. Whilst my son was lying ill in the hospital at Florence, men in daily intercourse with the British Legation there urged him to undertake a private action in the civil tribunals of Tuscany, courts with interminable proceedings, and under the control of the Government, and which under no circumstances could investigate an important question of International Law.

A letter from myself, stating that this was a public and not a private matter, relieved him from the anxiety and injurious effect of so unworthy a proceeding. This course was afterwards again proposed upon the 27th January by M. Salvagnoli, the advocate suggested to be employed by the Embassy, in the presence of Mr. Barron, an Attaché of it, and approved of by him; and again urged by Mr. Scarlett himself in a visit which he paid us on the 31st January; which proposition we invariably refused to adopt on our own responsibility, without official written instructions from the British Minister, although he assured us that the expense of the action would be willingly borne by our Government.

While this injurious proceeding was so strongly pressed by the British Representative at Florence, the Government at home curiously anticipated it. The Prime Minister in the House of Commons, upon the 6th February, and the Foreign Minister in the House of Peers, upon the 12th February, according to the newspaper reports on the following days, stated that my son "had superseded" the Foreign Minister's instructions, by taking the case into the civil tribunals of Tuscany; the very course which he had refused to take, as will be seen by my letter of the 15th February, and by my son's letter of the 19th February to Earl Granville.

It appears, then, that the course advised by the British Representative at Florence, in a case affecting the honour of the country and the protection of British subjects abroad, was to take it out of the hands of the British Minister, and supersede the instructions of the British Government. It was, however, never perilled by us before the civil tribunals, but left to be dealt with as a national question. That it escaped such a humiliating course as was advised, was not due to British diplomacy or British Representatives, but contrary to their expressed views.

2nd. That after obtaining an official inquiry, which was, however, carried on in secret, at the Prefecture of Police, the British Representative at Florence threw the chief responsibility of making out the case upon my sons, almost strangers in Florence, as will be seen by his note of the date 17th January to my son, on the day he left the hospital, weak and incapable of exertion. That a large proportion of the witnesses were procured by his younger brother, while the barrister employed obtained no witnesses, nor was once present at the inquiry. And thus this important case was chiefly left to two private persons—two young strangers, against influences the most powerful and hostile: the

Government who had reluctantly granted the commission, and the Austrian military force in possession, who defended the outrage.

Here again British diplomacy was injurious to this object, and threw in its cold obstruction, when it should have been most ardently zealous and active.

After demanding a court of inquiry, it was surely the duty of those who demanded it to support the charge, for it was theirs, by evidence and all just means. Notwithstanding which, the object was fully accomplished.

3rd. In the meantime, as I have observed, in London, the then Foreign Minister, impressed I presume by official information from Florence, assured the House of Lords that his instructions had been superseded; that we had taken the matter out of the hands of diplomacy, and given it to the courts of law in Tuscany.

This too he did with my letter of the 4th February before him, stating we had absolutely refused to carry it there without official and authorized instructions; but receiving which, as we were so disposed in all things connected with this case, we would faithfully obey them, deeming it, as we did, a national and not a private question. Earl Granville's speech of the 12th and my letter of the 4th February will demonstrate the truth of this statement.

Thus for a time was great confusion thrown into our course, and we were degraded in the estimation of our countrymen, as if seeking some selfish object and not our country's honour. Yet, however suffering by such unmerited charges, we bore them without complaining, merely endeavouring to rectify these sad injurious errors.

I do not wish to cast any reflection upon Lord Granville, who was probably bound to receive implicitly official information, in preference to that less formal from a party interested, although the latter turned out to be the most correct. Indeed I have to thank Lord Granville for his manly and courteous sympathy on the occasion, and his expression of determination to redress this wrong.

We should, however, have been warned and protected from such a course, not attempted to be precipitated along it by British diplomacy; this case was, however, then saved from the fatal results of its injunctions by private independence.

4th. Then, my Lord, on the termination of the inquiry at Florence, so satisfactory to your countrymen, I proceeded to England to urge on redress, and presented myself at the Foreign Office.

At the very first meeting I had the honour of having with your Lordship on the 4th March, you demanded in strong terms at what I valued the injury to my unfortunate son; and when I demurred to give an opinion upon this personal question—thought it better in your own, and urged the public redress, you strongly asked me, "If I wished you should go to war for it." Then you again pressed for my opinion upon the personal point, which I refused at that moment to answer, and demanded time, which was given me till the 6th March.

It was your Lordship then that introduced personal considerations into this public question, not I or my son, the personal sufferers. In Florence this personal matter had been brought before me indirectly in a semi-official manner, when I was informed that from 2000*l.* to 3000*l.* would be given as a compromise. I refused to entertain it. There is a gentleman now in England of high respectability and literary position, to whom an Attaché of the Legation at Florence also communicated it, who, if necessary, is ready to testify to this fact.

This question kept free of any personal consideration till it reached you, when it became clogged with it by your command.

Prepared as I have been from the beginning, to be guided in this British question by the Representatives of the country and the Crown, I presented to you my memorandum of the 6th of March, in which my country's honour, and not my own private advantage, was first specially stipulated for. When I delivered it I was told to leave the country's honour to you. You were then informed that the first article was with me a *sine quâ non*, and however just private reparation might be, it must give place to this public matter. And again, upon the 3rd May, when I met you as I returned from calling at the Foreign Office, I repeated to you that if it stood in the way of public redress, it was to be at once foregone. You, however, informed me that Sir Henry Bulwer had departed for Florence, and that you "would not let them off in any one thing."

If, my Lord, I was willing to forego the just demand of 5000*l.* for this injurious outrage, that the public question should not be impeded, it was surely for your Lordship to place a high value, as the Foreign Minister of England, upon the question for the satisfaction of her honour.

Now, my Lord, I charge your diplomacy with having turned a public question into a private question, and then, forsaking both, have compromised both.

You first wrung a reluctant concession from me of allowing private considerations to be mixed with the subject at all, which I, the party interested, did not desire, but almost protested against.

So much did you insist upon this, as you will remember, that it almost would have been supposed that you had been the private party, and I the public Minister seeking the public honour.

Such was British diplomacy in your Lordship's hands, which had nearly involved me and demonstrated that myself and not my country had been my object, or as if anything but a just redress could satisfy me for the shed blood and injured health of my innocent son.

It was not well either that your Lordship's communication of the 24th ultimo was sent down to the country, when my address in London had been left at the Foreign Office, and where it was known I was awaiting the result of the negotiations of your Lordship.

Before making your public statement, would it not have been better to have awaited my reply? It might have been obtained in a few hours. I will not fancy that an over-refined diplomacy in this occasion overshot itself; deeming that an official statement having been given and an impression once made upon the public mind, it would be my duty and policy to submit. But, my Lord, nothing was left me but my private honour; we could not allow it to be compromised, or negotiated, or complimented away.

My wounded and injured son, his young brother and myself, will now retire with it to our quiet home, happy in this, that to the best of our power, under very trying and difficult circumstances, we endeavoured to do our duty to our country.

I have, &c.

(Signed) JAMES MATHER.

Inclosure in No. 64.

John Blight to Mr. Mather.

Sir,

10, Lettel College Street, May 29, 1852.

I HAVE ben to Lord Mamsbury about your letter, and saw the man I gave it to; he said he put it on Lord Mamshury's tabel on Thursdays evening as soon as I gave it to him.

Your obedt. servant,

(Signed) JOHN BLIGHT.

No. 65.

The Earl of Malmesbury to Mr. Mather.

Sir,

Foreign Office, June 2, 1852.

I HAVE to acknowledge the receipt of your letter of the 1st instant.

As all the papers relating to the assault upon your son will be laid almost immediately before Parliament, I must decline entering upon a defence of the conduct of my predecessors in office or of myself on this matter.

One inaccuracy, however, in your present statement, I am bound to correct.

You observe that "I wrung from you a reluctant concession," &c. This does not in my opinion represent the truth as to what passed between us. I confined myself to stating that your son ought to have a pecuniary reparation, and to inquiring of you what amount you deemed sufficient. I must observe that the expression which you make use of in your memorandum of the 6th of March, describing our conversation on this subject, is the more suitable and correct term, namely, "that you were invited by me," &c.

I remain, &c.

(Signed) MALMESBURY.

